MEMBERS' FORUM ON IMMIGRATION

Y 4. J 89/1: 104/45

Members' Forum on Immigration, Seri...

HEARING

BEFORE THE

SUBCOMMITTEE ON
IMMIGRATION AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

MAY 24, 1995

Serial No. 45

DEPOSITORY

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CONTENTS

HEARING DATE

Page

May 24, 1995 1

OPENING STATEMENT

Smith, Hon. Lamar, a Representative in Congress from the State of Texas, and chairman, Subcommittee on Immigration and Claims 1

WITNESSES

Beilenson, Hon. Anthony C., a Representative in Congress from the State of California 50
Bilbray, Hon. Brian P., a Representative in Congress from the State of California 12
Clark, Dan, San Diego, CA 36
Coleman, Hon. Ronald D., a Representative in Congress from the State of Texas 66
Filner, Hon. Bob, a Representative in Congress from the State of California ... 61
Foley, Hon. Mark, a Representative in Congress from the State of Florida 24
Goss, Hon. Porter J., a Representative in Congress from the State of Florida .. 27
Hutchinson, Hon. Y. Tim, a Representative in Congress from the State of Arkansas 64
Kim, Hon. Jay, a Representative in Congress from the State of California 29
Lofgren, Hon. Zoe, a Representative in Congress from the State of California . 8
Martini, Hon. William J., a Representative in Congress from the State of New Jersey 20
Mink, Hon. Patsy T., a Representative in Congress from the State of Hawaii .. 45
Molinari, Hon. Susan, a Representative in Congress from the State of New York 37
Packard, Hon. Ronald, a Representative in Congress from the State of California 5
Pickett, Hon. Owen B., a Representative in Congress from the State of Virginia 42
Rohrabacher, Hon. Dana, a Representative in Congress from the State of California 17
Seastrand, Hon. Andrea H., a Representative in Congress from the State of California 55
Torres, Hon. Esteban Edward, a Representative in Congress from the State of California 58
Underwood, Hon. Robert A., a Delegate in Congress from the Territory of Guam 32

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Beilenson, Hon. Anthony C., a Representative in Congress from the State of California: Prepared statement 52
Bilbray, Hon. Brian P., a Representative in Congress from the State of California: Prepared statement 13
Coleman, Hon. Ronald D., a Representative in Congress from the State of Texas: Prepared statement 68
Foley, Hon. Mark, a Representative in Congress from the State of Florida: Prepared statement 26
Goss, Hon. Porter J., a Representative in Congress from the State of Florida: Prepared statement 29

Page

Hutchinson, Hon. Y. Tim, a Representative in Congress from the State of Arkansas: Prepared statement 65
Kim, Hon. Jay, a Representative in Congress from the State of California: Prepared statement 31
Lofgren, Hon. Zoe, a Representative in Congress from the State of California: Prepared statement 9
Martini, Hon. William J., a Representative in Congress from the State of New Jersey: Prepared statement 22
Mink, Hon. Patsy T., a Representative in Congress from the State of Hawaii: Prepared statement 47
Molinari, Hon. Susan, a Representative in Congress from the State of New York: Prepared statement 39
Packard, Hon. Ronald, a Representative in Congress from the State of California: Prepared statement 6
Pickett, Hon. Owen B., a Representative in Congress from the State of Virginia: Prepared statement 44
Rohrabacher, Hon. Dana, a Representative in Congress from the State of California: Prepared statement 19
Seastrand, Hon. Andrea H., a Representative in Congress from the State of California: Prepared statement 57
Torres, Hon. Esteban Edward, a Representative in Congress from the State of California: Prepared statement 60
Underwood, Hon. Robert A., a Delegate in Congress from the Territory of Guam: Prepared statement 33

APPENDIXES

Appendix 1.—Statement of Hon. Henry Bonilla, a Representative in Congress from the State of Texas 75
Appendix 2.—Statement of Hon. Solomon P. Ortiz, a Representative in Congress from the State of Texas 76
Appendix 3.—Statement of Hon. Marge Roukema, a Representative in Congress from the State of New Jersey 82
Appendix 4.—Statement of Hon. Bob Stump, a Representative in Congress from the State of Arizona 83

MEMBERS' FORUM ON IMMIGRATION

WEDNESDAY, MAY 24, 1995

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:37 p.m., in room 2226, Rayburn House Office Building, Hon. Lamar Smith (chairman of the subcommittee) presiding.

Present: Representatives Lamar Smith, Sonny Bono, Fred Heineman, Ed Bryant of Tennessee, and Xavier Becerra.

Also present: George Fishman, assistant counsel; Judy Knott, secretary; and Paul Drolet, minority counsel.

OPENING STATEMENT OF CHAIRMAN SMITH

Mr. SMITH. The Subcommittee on Immigration and Claims will come to order. I certainly appreciate the interest by Members, as well as by everyone else in the room today. Let me give a special welcome to Gail Neels and her students from the Potomac School, who I think are in the back two rows of the room today. I have a special interest in them having a good view of immigration policy, since I have two children enrolled in the school.

Immigration is a subject that I think all of us have come to recognize as a subject that really is on the tip of the tongue of many people in the United States. I know of few other issues that so directly impact as many people and perhaps every member of our society as does immigration, and more specifically, the subject of immigration reform.

This meeting today sort of continues our ongoing conversation about the subject, through of course today we are going to do more listening than talking because we are eager to hear what our colleagues in Congress have to say.

As far as the subject of immigration itself goes—is that a vote that has just been called? Unfortunately, we had a vote just called. We will need to recess for it in just a minute and return. But on the subject of immigration, I was just going to recount for you an indication of why I think immigration is not only such an important issue, but also why it is important to so many people.

This last weekend I held a couple of town meetings in my district. I was in St. Angelo, TX, which is in part of west Texas. I talked about all that was going on in Congress today. I talked about balancing the budget. I talked about controversial subjects like Medicare. When I finished, I opened up the town meeting for questions from 150 constituents who were attending. For the next

hour and a half, I tried to answer those questions. It so happened that the subject I was asked about most, and I would go so far as to say the total questions on this subject equaled the questions on every other subject, was immigration, and particularly, immigration reform.

I even learned about the subject beyond what occurred during the official town meeting itself, because after the town meeting was over, a young woman came forward who had not spoken and not asked any questions before, and said, "I need to talk to you." It turns out, this 23-year-old woman who had just graduated from college a year or two before had in fact lost a job that she wanted to someone who she understood was not in this country legally. As a result, she took a job that paid minimum wage, less than she would have earned otherwise.

When you hear stories like that, and when you hear the great number of questions from constituents as I have, you realize that immigration is truly a very national issue, and an issue of great import to a lot of people.

Today we have Members of Congress who are going to testify as to their particular interests and their particular concerns. I really consider this to be a star witness list, both because of the individuals themselves and the interest and expertise that they bring to bear on this subject and also because of the great variety of individuals. We have lawmakers from Guam to Florida, so we literally do encompass a great part of the world, and we have lawmakers who represent virtually every part of the country.

So I expect today's hearing to be very informative for all of us who are members of the subcommittee. As I say, we're eager to do more listening than talking today. I might also say this subcommittee intends to consider a major immigration reform bill, I trust next month, as soon as possible.

So with that, I'll recognize other Members for their opening comments. I understand that Mr. Becerra of California does have some opening remarks to make.

Mr. BECERRA. Thank you, Mr. Chairman, I do. I want to thank you for making this forum for Members of Congress available to express their thoughts and ideas on the issue of immigration. Obviously if we will have comprehensive immigration proposals before us this year for the President's signature, it is important to make sure that we hear as fully and as thoughtfully as we can from the other Members of the Congress. So I appreciate the fact that you can make this time available.

As a member of this subcommittee, I will try to keep my remarks brief, although I could easily sit at the table and provide some testimony as a member witness. But let me just add a few things that I have said in the past in this subcommittee.

Let me begin with a story that is less than, well it's about 15 hours old now. I just returned from Los Angeles. In dropping off my rental car at the agency, I happened to encounter a worker there who was a Guatemalan immigrant. Because I was very rushed, I was able to get a ride from the agency employee to the airport. He mentioned to me that he had been in this country for a little bit more than 4 years. The first words to come out of his mouth after saying he had been here for a little more than 4 years,

that he was very anxious and just awaiting the day when he could actually submit the papers to become a U.S. citizen.

I asked him if that meant that he was enjoying the fruits of America as we hoped he would always be able to. He said, "Well, I must tell you, life here is perhaps even harder for me than it was in my native country of Guatemala, but I will not return. I know that I will not return because I know that prospects for me in the future and for my children are much better here than in Guatemala. For that reason, I intend to stay and become a full-fledged member of this country."

I was very impressed by his remarks because I suspect he was making perhaps that minimum wage that we so much talk about on the floor of the Congress. I understand that this is something that a lot of folks must live with, a lot of immigrants must live with. So to see in him, in his eyes, the expectations, the dreams of a future in this country, even though he admitted that the times were very harsh for him right now, to me is a sign that this is still the beacon for freedom and for people who wish to live in peace in this world.

With that said, let me go on to say a couple of things. Last session when the whole issue of immigration became very hot, we constantly heard people say, well, we must be very aggressive and very hard on undocumented immigration, though we can be supportive and preserve legal immigration. To some degree, I agree with that statement, to the degree that we are trying to be aggressive, yet thoughtful in our approach to the undocumented immigration issue, I think that is fine. But once we go beyond that, and we start attacking human beings, especially children, I think we go beyond the realms of being not only a civilized society, but one that is responsible, working with foresight.

I would hope that we continue an aggressive approach on the border, as we have seen the President undertake, modernizing equipment, providing for professional and trained personnel at our border to enforce our immigration laws at the border.

I would also hope that we provide the adequate resources that are needed for some of the other proposals that we see underway. For example, the telephone verification system within the employment setting, which is a way to try to track down those who are not eligible to work, and may also be ineligible to be in this country. I would hope that we understand that there are privacy concerns and discrimination concerns that we must address. Without adequate resources, there is no way we will ever do a decent job of having a TVS system that works.

I look back to the days when my parents first came to this country. I recall the tough times they had, much like this Guatemalan immigrant that I spoke to yesterday evening. My father worked very hard all his life. He never, as I have said in the past, he never earned more than perhaps $20,000 or $23,000, even though he worked tremendous hours. He now pays a price with having hands that he cannot open fully. He walks with a limp because of problems he has with both legs. All because he was a laborer for about 45 years of his life.

Now he would never give up a moment of that because he did what he tried so hard to do along with my mother. That is, to pro-

vide a much better future for his children. He has four children who went on to college and in some cases, went on to accomplish some very good things.

But I take a look at the situation for legal immigrants and I must say, I lament the situation for those who have come here legally and are trying to do everything they can to not only be like my father and my mother, but like the Guatemalan immigrant that I met yesterday.

I would hope that as we try to reform our system of immigration, we undertake a thoughtful analysis that will take into account the fact that immigrants for so long have been the makers of this country. I would just point out that as we have heard from the Council of Economic Advisers during the reign of former President George Bush, immigrants are considered to provide longrun benefits that ultimately exceed by a great deal, their shortrun costs. Those are precise words from the Council of Economic Advisers back in 1990.

We also understand from surveys and research that has been done that the labor force participation rates, in other words, those seeking to build jobs, those seeking to be employed, those rates of participation in the labor force are highest for immigrants than they are even for the native population.

Home ownership. Fannie Mae tells us that immigrants have higher rates of home buying rates than the native population.

In education, a very insightful survey was done by a professor by the name of David Hayes Baldista at UCLA's School of Public Health. It found that immigrants by the third generation are graduating from high school at three times the rate of their grandparents. Their graduation rates from high school are quadruple the rates of their grandparents. So what we see is in essence, a tripling or quadrupling of the rates of success for these children of immigrants.

I need not say much about the whole issue of international trade. We know how that important it has become. I would only stress that as well look to reform immigration when it addresses the legal immigrant, we make sure that we do not abandon our policy of family reunification.

Finally, let me close with one final thought on legal immigrants. We have close to 9 to 10 million people who are in this country who are legally here, who have every right to be here because they followed every process. They have abided by every law. They pay every single tax. They even have defended this country in time of war. I would just say that as we go about reforming legal immigration, we remember that these are people who wish to become U.S. citizens and have the right to once they fulfill their time here.

I would hope that we do not abandon them, especially now when we find that they are having to wait 1 to 2 years after they have submitted their application to become citizens, because the backlog is so great. We must also address the issue of naturalization, as we address the issue of legal immigration. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Becerra, that was a pretty comprehensive opening statement. I appreciate what you said. As you know, we'll continue our conversation on all those subjects in the next few weeks.

We'll need to recess for about 15 minutes while we go vote. We'll return. When we do return, I think Congressman Ron Packard of California will be the first Member to testify.

[Recess.]

Mr. SMITH. The Subcommittee on Immigration will reconvene. Let me say we expect some other members back in just a minute. I just finished talking to Mr. John Bryant, the ranking minority member. Unfortunately he has a markup of a bill to which he is offering amendments in the Commerce Committee, so he will be joining us later this afternoon.

Our first witness today is Ron Packard of California. Ron, if you'll come forward. We are looking forward to hearing from you, and appreciate the fact that you came early. I'm sorry for that vote that we both had to go to.

STATEMENT OF HON. RON PACKARD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. PACKARD. I appreciate very much, Mr. Chairman, the chance to testify before your committee, and certainly appreciate your graciousness in letting me kick off this hearing. It is extremely important. I don't think there's an area of the country that is more impacted by illegal immigration than San Diego County. That of course is where my district is, primarily, and for as long as I have served in Congress, illegal immigration has been perhaps the dominant issue in my district.

I have presented three particular bills as part of a package this year, in fact, the very first day of this session, in an effort to try to solve some of the problems that exist in our area and in the country relative to illegal immigration.

In reference to Mr. Becerra's comments, I do not address legal immigration. I am only addressing the problems that exist in my area, which is primarily illegal immigration.

In my package, I have addressed three particular prongs in an effort to try to stem the problem that exists for us in southern California. I don't need to give you figures. I think you have all the figures relative to the importance of this issue. Needless to say, it is estimated that 1.7 million illegal immigrants reside in California, which represents about 43 percent of the entire illegal population of this country. So we are truly impacted. In fact, San Diego County represents the bulk of that 43 percent and all of southern California, the bulk of the 1.7 million. I would estimate that that's a very modest figure. It could be much more than that, because they certainly can't reliably count them all. They are out there in the hills, and simply are not able to be contacted by a census.

The three-pronged approach that I have taken is number one, very simply asking that your committee increase and beef up the Border Patrol up to 10,000 agents over a period of 5 years. Incrementally increase the Border Patrol to a strength of 10,000 agents. That is what has been called for by studies. Concentrating our resources at the border, I think, is our most effective means of stemming the tide of illegal crossings.

That of course leads me to my second point and piece of legislation. That is, to concentrate our resources at the border. I have a bill that would close the checkpoints that are about 60 miles north

of the border, two of them in my district. I believe that they should be closed and that the personnel, the equipment, and the assets and the money be transferred to our effort at the border. We think that it would be more effective if we can stop the trend and the tide of crossing the border illegally. If that happens we think that the checkpoints become redundant, and perhaps not necessary.

I am aware that the INS feels that that's a second line of defense. But the way they are operated, it is simply not an effective second line of defense. They are only operated part time, and with walkie-talkies, people can coordinate their efforts in crossing or passing the checkpoints at a time when they are not operating. Frankly, the costs of operating the checkpoints, I think, and the personnel, could be better used at the border itself.

The third part of my three-pronged approach is in keeping with proposition 187 that passed overwhelmingly in California, and transferring that concept to the Federal level. That simply is that we would cut off all social programs and benefits to illegal immigrants except, of course, for emergency needs, emergency health care and emergency housing, et cetera. But otherwise, that we do not pay out of taxpayer dollars, for the social services and social needs of those that have come into our country illegally. We are short in those programs. We simply do not have enough funds to service all of the American citizens in those programs. To take from that short supply of moneys to service those that have broken our laws to come into the country we think is not the use of the taxpayers' dollars that our taxpayers feel good about. Certainly that is reflected in the vote in California with proposition 187.

Those three items are extremely important to me. You will hear from other members later on today, I believe, that will outline some other problems. But those are the three that I have been concentrating on. I would deeply appreciate your help in this committee to see if we can develop a legislative strategy, a reform bill that will address these particular points.

In closing, I want to thank you very much for the opportunity to speak and testify before your committee. I certainly appreciate the work you are doing on immigration reform.

[The prepared statement of Mr. Packard follows:]

PREPARED STATEMENT OF HON. RON PACKARD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, you have been most gracious in allowing me to kick off this hearing and I sincerely appreciate the opportunity to testify before this subcommittee today. I will be brief.

As you know, illegal immigration is an issue of paramount importance in my district and in the state of California in general. Mr. Chairman, I won't bore you with statistics that you probably know as well as I but, the state of California estimates that there are over 1.7 million illegal immigrants living in California which represents nearly 43% of all illegal immigrants living in the United States.

Additionally, according to the INS, 125,000 illegal immigrants come into California each year with over one million entering within the next decade. That is why, last year, Californians overwhelmingly supported proposition 187 which denies state funded benefits to illegal immigrants. I would propose we do this on a national level.

I have been fighting illegal immigration since I first came to Congress in 1983. On the opening day of the 104th Congress, I arrived with a legislative package aimed at solving California's immigration crisis.

The first prong of my legislative strategy would increase the border patrol strength to 10,000 agents within 5 years. Concentrating our scarce resources at the border will allow us to stem this tide of illegal immigration at its source.

Stopping these illegal immigrants at the border brings me to the next part of my package and that is the closing of problematic, inefficient inland checkpoints located in my district at Temecula and San Clemente. Mr. Chairman, these inland checkpoints are controversial, to say the least. I advocate their closing since they are not adequately constructed, adequately staffed or adequately operated to serve their intended purpose. Further, realizing the scant dollars that your subcommittee has to deal with, I believe these resources can be better spent at the California-Mexico border rather than 60 miles from it.

The backbone of my legislative package is the elimination of the incentive for illegals to cross the border—the taxpayer supported benefits they receive. My bill would cut off all Federal benefits—except for emergency medical care—for illegal aliens. All Federal agencies would be directed to take reasonable steps to determine the alien status of all those seeking benefits.

Mr. Chairman, it is ridiculous to expect U.S. citizens—taxpayers—to fund benefits and aid to individuals, who just by being here, are breaking U.S. law. With the current budget realities and the scarce dollars available for any Federal programs, we simply cannot continue to support illegal immigrants.

In fact, Mr. Chairman, I have been successful in attaching similar language to the last two Emergency Supplemental Appropriations bills and I will continue to do so in all future supplemental appropriations bills.

In closing, I want to congratulate the committee for holding these hearings. There is no other issue that is more important to my constituents, I understand fully, the complexities of this issue, and I would like to make myself available to you and your staff as you draft this legislation. I have been involved in the intricacies of drafting much of the preceding legislation and I would be willing to provide what help I could.

Again, Mr. Chairman, thank you for allowing me this opportunity to kick off this hearing. I stand ready to answer any questions you might have.

Mr. SMITH. Ron, thank you. Before I recognize my other colleagues who are here, let me just say that you, as other Californians, come before this subcommittee with great creditability, since as you pointed out, California has 43 percent of the illegal aliens in the United States. More than that, I just want to basically say how much I agree with you. The idea of getting the Border Patrol agents at the border, we have seen that work in Operation Hold the Line in El Paso. We can duplicate the same thing in California.

I also agree with your goal of 10,000 agents. We have 5,000 Border Patrol agents today. I would like to see that number doubled at the rate of, as you do, I think about 1,000 a year over 5 years, and phase them in as much as possible.

Lastly, you mentioned your package of bills. Let me make a public confession that we have freely plagiarized from your bills in our drafting of the——

Mr. PACKARD. Be my guest, Mr. Chairman. Be my guest.

Mr. SMITH. So you are going to be able to claim, rightfully, a lot of credit for what we do with immigration reform.

Mr. PACKARD. Mr. Chairman, I have always felt that it doesn't matter who gets the credit, as long as the work gets done.

Mr. SMITH. We'll share that with you.

Mr. PACKARD. I'll be more than grateful to have you take my concept.

Mr. SMITH. Thank you for your contributions. Let me go to the gentleman from North Carolina, Mr. Heineman, to see if he has any observations or questions.

Mr. HEINEMAN. I'm interested in that second line of defense, that outpost so to speak, 60 miles from the border. How do they justify that?

Mr. PACKARD. They feel that there are going to be crossings illegally at the border and that this is another chance to apprehend

them. They do apprehend a sizable number. They also feel that it plays a very important role in drug interdiction and weapons and other things, mostly drugs, and stolen vehicles.

But we feel that that's not the function, necessarily, of the Border Patrol. We feel their function is to control our borders. That's where we want to concentrate their efforts.

Unfortunately, at those checkpoints we have high speed chases starting there. We had seven high school students killed a couple of years ago in one of our northern cities, and just north of the border checkpoints, and several incidence of innocent victims being maimed and wounded and injured. We think that it would stop that, of course, if they were closed and did our work at the border.

Mr. HEINEMAN. Thank you.

Mr. SMITH. The gentleman from Tennessee, Mr. Bryant.

Mr. BRYANT of Tennessee. I don't have any comment.

Mr. SMITH. OK. Ron, thank you. We'll move along. I just happened to look down at our witness list and it suddenly became very evident that in fact, the first four witnesses are from California, maybe no surprise.

The Honorable Zoe Lofgren from California. We welcome you and look forward to your testimony as well.

STATEMENT OF HON. ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. LOFGREN. Thank you, Mr. Chairman. I suspect that many will testify today about the problems with our immigration laws. I'd like to talk a little bit about some of the good points of immigration laws today, and some ways to strengthen them. Since I do come from Silicon Valley, I would especially like to highlight the very important role that immigration plays in high technology industries.

As you know, high technology industries that dominate Silicon Valley are one of the most important parts of our economy. U.S. companies dominate in computers. The top three producers in almost every product category are U.S. firms, including the semiconductor industry, as well as software. Those activities are essential to a variety of other industries, health care and the like.

As I listen to CEO's in Santa Clara County, the No. 1 issue for them is work force. They need to be able to have the most qualified, the smartest, the best work force in the world so that they can be competitive in the global environment. Their No. 1 issue for the Federal Government to attend to is the need to have a good educational system in this county so that we are producing, internally, competitive people. They also tell me that they must have the ability to recruit the best minds in the world to come here.

Recently I was in a meeting with a disk drive CEO in my district. They are one of the major disk drive manufacturers in the world. I was told that over 78 different nationalities are reflected in their work force. These are people with Ph.D's. They are physicists, they are creative engineers, and were they not there, this company would not be competitive in the world and would have to consider doing more of their R&D work offshore.

I will give you some examples of just a couple of companies where new Americans played a major role in strengthening our

country. One is Sun Microsystems, which was founded by three graduate students. One was American born and two were foreign nationals. They are now one of the leading manufacturers and developers of computer work stations and Unix software, with $5 billion in annual revenues, 50 percent of it earned by exports outside the United States. Seventy-five percent of their work force are in the United States. Only 1 percent are H–1B visa employees. But without those employees, they would be in trouble in being competitive.

Intel is another company that relies very heavily on foreign expertise. I'll just give you one quick example of a person that Intel hired, I won't use his name, but he performs leading edge research in architecture, design, and development of microarchitecture for the interface unit and the ram control unit. He supervises 50 engineers, of whom 8 are Ph.D.'s, researchers performing high level research; 42 are engineering researchers, and he's an immigrant. He holds numerous awards, including the U.S.S.R. State Prize Award in computer science and a number of other distinguished awards. It's these caliber of people, people from India, people from Russia, people from Taiwan, from China, from Latin America, from Europe, who are being attracted and we're really grabbing those minds, welcoming new Americans and then competing effectively in the global market. So I just wanted to mention how important that is to our business community.

I do want to say just a word about the non-Ph.D. immigrants. I live in a community that has been enriched, really, by the diversity that immigration has brought to our country. I very much agree with my predecessor speaker that we must control our borders. We have a right to do that as a sovereign nation, and we should do that.

But I would encourage us also to enjoy and relish and value and speak up about the diversity that immigration has brought our country. I think to do otherwise would lead our diverse country to feel and fear that not all of us are valued. That would be an unintended and unfortunate result.

As to the enforcement of immigration laws, I very much agree that the first line of defense is at the border. I would like to speak on behalf of the doctors, the nurses, and the teachers who live in San Jose and who ask me, "Please, don't ask me to be an immigration officer." The elementary school teachers do not know who is a citizen and who is not a citizen. They do not want to become the enforcer. They have got their hands full teaching reading, writing, arithmetic and computer science. In fact, many of these children who are my own fourth-grader's classmates, don't know what their status is either. All they know is they are nine.

So I would ask that we put the enforcement arm where it belongs at the border and not ask our civilians who are doing health and education work to assume that role. Thank you, Mr. Chairman, for your patience in listening.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF HON. ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you, Mr. Chairman. I suspect that many will testify today about the problems with our immigration laws. I'd like to talk a little bit about some of the good

points of immigration laws today, and some ways to strengthen them. Since I do come from Silicon Valley, I would especially like to highlight the very important role that immigration plays in high tech industries.

As you know, high tech industries that dominate Silicon Valley are one of the most important parts of our economy. U.S. companies dominate in computers. The top three producers in almost every product category are U.S. firms, including the semi-conductor industry, as well as software. Those activities are essential to a variety of other industries, health care, and the like.

When I listen to CEOs in Santa Clara County, the number one issue for them is work force. They need to be able to have the most qualified, the smartest, the best work force in the world so that they can be competitive in the global environment. Their number one issue for the Federal Government to attend to is the need to have a good educational system in this country so that we are producing, internally, competitive people. They also tell me that they must have the ability to recruit the best minds in the world to come here.

Recently I was in a meeting with a disk drive CEO in my district. They are one of the major disk drive manufacturers in the world. I was told that over 78 different nationalities are reflected in their work force. These are people with Ph.D.'s. They are physicists, they are creative engineers, and were they not there, this company would not be competitive in the world and would have to consider doing more of their R&D work off shore.

I will give you some examples of just a couple of companies where new Americans played a major role in strengthening our country. One is Sun Microsystems, which was founded by three graduate students. One was American born and two were foreign nationals. They are now one of the leading manufacturers and developers of computer work stations and Unix software, with 5 billion dollars in annual revenues, 50 percent of it earned by exports outside the United States. Seventy five percent of their work force are in the U.S. Only one percent are H–1B visa employees. But without those employees, they would be in trouble in being competitive.

Intel is another company that relies very heavily on foreign expertise. I'll just give you one quick example of a person that Intel hired. I won't use his name, but he performs leading edge research in architecture, design and development of micro architecture for the interface unit and the ram control unit. He supervises 50 engineers, of whom eight are Ph.D. researchers performing high level research, 42 are engineering researchers, and he's an immigrant. He holds numerous awards, including the USSR State Prize award in computer science and a number of other distinguished awards. It's these calibre of people, people from India, people from Russia, people from Taiwan, from China, from Latin America, from Europe, who are being attracted and we're really grabbing these minds, welcoming new Americans and then competing effectively in the global market. So I just wanted to mention how important that is to our business community.

Mr. SMITH. Thank you, Ms. Lofgren. A couple of questions for you. I do agree with you. We need immigrants who are skilled and talented. We need the Ph.D.'s and the non-Ph.D.'s as well.

Some other members of the committee and I are concerned about a situation where you have immigrants displacing American workers. The challenge for us is to come up with a balance. How far do we let the free-market system work? When is it not working?

Do you feel that the current number of employment-based immigrants is about right, too low, too high? Right now, I think it's at about 140,000.

Ms. LOFGREN. I don't want to be evasive. I don't know the answer to that question. What I hear is that it's too difficult and too time-consuming to bring in the highest qualified people. When you have a product life cycle of 12 months, a 5-month delay is devastating. It means you are behind the 8-ball, and you may never really get ahead. So timeliness is important.

I understand the concern. I didn't see the show, but counsel tells me there was recently a TV show that outlined a situation that looks like an abusive situation, where American workers are displaced. If there is abuse, I think we ought to do something about it. But we ought to keep in mind that the value for high-tech indus-

tries is still there, and make sure that we protect our economic interest.

Mr. SMITH. I was just going to mention and refer to the same TV show you did. That is the dilemma for us. You have a business that can take advantage of the immigration laws and fire all their employees who happen to be U.S. citizens and import labor and undercut the wage system and so forth which isn't good. On the other hand, we clearly have a need and we want to encourage people who can contribute and be productive members of our society to come to the United States as well. So we both recognize that problem, I think.

Ms. LOFGREN. If I could just add. There is an industrywide group that has formed up about immigration. I would like to ask them the question, do they have a suggestion on how we could avoid that type of abuse and yet still keep a free flow of intellectuals moving around.

Mr. SMITH. We have some ideas on that. It just depends. I think there is a way to avoid abuses and still encourage the right people.

Let me go to the gentleman from North Carolina, Mr. Heineman.

Mr. HEINEMAN. I'm not sure I understood you, Zoe, my colleague from the Judiciary Committee, whose judgment I have learned to respect. Did you refer to our questioning and our attempt to identify people, illegals that have made it across the border and now are in our system, and if you feel that we shouldn't rely on the educators, the employers to identify illegals, do you have a suggestion as to how that should come about?

Ms. LOFGREN. Well, I'll tell you my view. I did oppose proposition 187 in California. In fact, people of my county voted against it, as did the sheriff and the district attorney and the like. One of the major reasons why was the impact of the initiative on children, who are not really guilty of anything.

The teachers and the DA and the sheriff made the point that I agree with: If children are going to be in this community, it is better for them to be productively occupied than out on the street getting in trouble. There is absolutely no evidence that a child excluded from school because of the status of his or her parent is going to be removed and go back to their home country. That is not going to happen. So you have a potential that our law enforcement people saw, including our chief of police, that was unintended and potentially dangerous to our communities. So that is an issue, I think, that needs to be considered.

But I really speak for the teachers, who don't know the status of the children. Under the current state of the law, according to the last Supreme Court decision, they are not required or even permitted to ask. I will say this. If you do ask, the children don't know.

I'll tell you just a quick story of a little girl who is a very bright kid. I filled out a scholarship application for her to go to a private school where her gifted intelligence could be nurtured. Her parents spoke no English. I asked her what her status was. She did not know. All she knows is that she lives here and she's getting straight A's, and she's a great kid. That is not atypical. Children know they are going to school. The teachers want to teach. They do not want to be immigration enforcers, for the most part.

Mr. HEINEMAN. How about employers?

Ms. LOFGREN. I think employer sanctions are a part of the existing law and ought to remain part of the existing law. I think they can be simplified and I think that especially small business owners would like a simpler system where they can exactly know what to do, so they don't get caught in a problem that they didn't understand.

Mr. HEINEMAN. Thank you very much.

Mr. SMITH. The gentleman from Tennessee, Mr. Bryant.

Mr. BRYANT of Tennessee. I don't have any questions.

Mr. SMITH. OK. I want to say this now, so no one takes it as addressed to them. I am reminding myself as much as I am reminding other Members who are present. We have Members of Congress testifying every 10 minutes through 5 this afternoon. I am already a half an hour behind. I am already talking too much. So I am going to cut down on my remarks and try to recognize the other members of the subcommittee immediately after Members of Congress testify.

Ms. Lofgren, thank you for being with us.

Ms. LOFGREN. Thank you, Mr. Chairman.

Mr. SMITH. Brian Bilbray is our next witness today from California. Brian, I'd like to go on and have you testify, if you don't mind. We have 5 minutes until we have to leave for a vote.

STATEMENT OF HON. BRIAN P. BILBRAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BILBRAY. OK. Mr. Chairman, I appreciate the opportunity to testify today before your committee. As a Representative of California, the 49th District, which lies at the most southwesternly corner of the United States, and as a resident who lives within sight of the Mexican border, in fact, I can see the bull ring by the sea from my front yard, I am quite concerned about the impact of the illegal immigration issue on my constituency and my family.

The issue I would like to address today though is the citizenship for children born to illegal parents in the United States and that should not be automatically given citizenship as the current practice is. Automatic citizenship status makes these children automatically available for public subsidy and public benefits. Taxpayers must pay for the child and unofficially through fraud and abuse, pay for the benefits of the parents of the child.

Now, Mr. Chairman, nearly 96,000 babies were born to undocumented women covered by the Medi-Cal Program in 1992 alone. Births to undocumented immigrants represent 40 percent of the publicly funded births in the State of California. Furthermore, a child born to an undocumented alien not only qualifies for Medi-Cal services, but welfare cash grants and food stamps as well.

A single illegal alien bearing a child in San Diego is entitled to a $400 a month grant if the mother continues to reside in the United States. This is a huge financial burden to the Federal Government and State, and no longer should be allowed to occur.

Section 1 of the 14th amendment, Mr. Chairman, states clearly. "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States." Today, this interpretation is conferring citizenship upon all persons born

in the United States, regardless of if they are here legally or illegally or under the jurisdiction.

During the debate of the 14th amendment in 1866, Senator Howard stated quite clearly, "This will not of course include persons born in the United States who are foreigners, aliens, or belong to families of ambassadors or foreign ministers accredited to the Government of the United States, but this will include all other classes." To me, this settles the question of what the authors intended regarding this issue of citizenship in the United States.

Congress is fully competent, under the 14th amendment, to pass legislation defining who is subject to the jurisdiction of the United States. Section 5 of the 14th amendment states that, "Congress shall have the power to enforce by appropriate legislation, the provisions of this article." The framers of the 14th amendment explicitly stated that American Indians who were members of a tribe were excluded from this jurisdiction of the United States, and thus were not citizens.

Now in 1884, this was upheld by the Supreme Court in the *Elk* v. *Wilkins,* where the Court ruled that, "An alien, through dependent power, although in a geographical sense born in the United States, are no more born in the United States and subject to the jurisdiction thereof, than the children of subjects of any other foreign government born within the domain of the government." Now the courts have looked at by virtue of birth and specifically addressed it in that case.

However, by a series of subsequent laws, including the Citizenship Act of 1924, which made all Indians subject to the jurisdiction of the United States, Congress has changed the definition of the citizenship clause by virtue of that act. So the 14th amendment has been executed under statutorily.

I have introduced the Citizens Reform Act of 1995, H.R. 1363, which would deny automatic citizenship at birth to citizens born of parents who are not permanent residents or residents or citizens.

Mr. Chairman, some of my colleagues may think that we need a constitutional amendment. What I am saying is that we have not only a right, but a responsibility, to statutorily address this issue and quit ignoring it and copping out to go for the constitutional amendment. Then, and only if the Supreme Court has made a ruling, and they have never made a ruling saying Congress cannot make this definition. Never. I think we have an obligation to do that.

I would ask that this committee allow us to have a hearing on this item so that we can bring forth the Citizenship Reform Act of 1995 before your committee. Mr. Chairman, I'd like the opportunity to come before your committee, address the merits of the history and the background of this issue so that Congress can take its rightful place of rights and responsibilities to address this situation we can't allow to continue any longer.

[The prepared statement of Mr. Bilbray follows:]

PREPARED STATEMENT OF HON. BRIAN P. BILBRAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I appreciate the opportunity to testify on "Members' Day" before the Judiciary Subcommittee on Immigration and Claims. As the representative for California's 49th Congressional District, which lies on the southwestern border with

Mexico, illegal immigration is an issue that is of great importance to my constituents, and to me personally.

The issue I would like to address today is that of citizenship. Children born to illegal alien parents in the United States should not automatically be citizens, as is the current practical interpretation. Automatic citizen status makes these children and, by extension, their non-citizen parents, eligible for federal and state benefits. Taxpayers must then pay for the child, and unofficially through fraud and abuse, pay benefits to the parents of the child.

Nearly 96,000 babies were born to undocumented women covered by the Medi-Cal program in 1992 alone! This amounted to an 85 percent increase over three years, and cost the taxpayers of California more than $230 million in medical bills in 1992. Births to undocumented immigrants represented 40 percent of the 237,000 publicly funded births in the state. In addition, the nearly 96,000 Medi-Cal births by undocumented immigrants in 1992 does not include women who previously moved to California illegally, are seeking amnesty under the 1986 immigration reform law, and have used Medi-Cal for their health care.

Furthermore, the child born to an undocumented alien not only qualifies for Medi-Cal services, but welfare cash grants and food stamps, as well. A single illegal alien bearing a child in San Diego County is entitled to roughly $400 a month in cash grants, if the mother continues to reside in the United States. This is a huge financial burden that the federal and state governments can no longer continue to incur.

Section 1 of the Fourteenth Amendment of the Constitution explicitly states that "All persons born or naturalized in the United States and *subject to the jurisdiction thereof,* are citizens of the United States and of the State wherein they reside." Today, this is interpreted to confer citizenship upon all persons who are born in the U.S., regardless of whether their parents are in this country *legally* or not.

During the debate of the Fourteenth Amendment in 1866, Senator Jacob Howard stated "this will *not*, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons." To me, this settles the question of what the authors intended, regarding who is and who is not a citizen of the United States.

Congress is fully competent, under the Fourteenth Amendment, to pass legislation defining who is "subject to the jurisdiction" of the United States. Section 5 of the Fourteenth Amendment states that "Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." The framers of the Fourteenth Amendment explicitly stated that American Indians who were members of a tribe were excluded from the jurisdiction of the United States because they owed direct allegiance to their tribe. In 1884 this was upheld by the Supreme Court in *Elk* v. *Wilkins* where the Court ruled that "...an alien, through dependent power, although in a geographical sense born in the United States, are no more 'born in the United States and subject to the jurisdiction thereof,' ...than the children of subjects of any foreign government born within the domain of that government; or other public ministers of foreign Nations." The Court was adamant that the citizen, by virtue of birth, could not be a self-selected act.

However, by a series of subsequent laws, including the Citizenship Act of 1924 which made all Indian tribes subject to the jurisdiction of the United States, Congress changed the definition of the Citizenship Clause by virtue of enacting the law. Therefore, Congress has already acted within its powers vested in Section 5 of the Fourteenth Amendment, thus reinterpreting this Clause.

The historical intent of the Fourteenth Amendment was to address the issue of slavery, and was not meant to provide the children of illegal aliens the automatic right of citizenship simply because they are born on U.S. soil. I have introduced "The Citizenship Reform Act of 1995," H.R. 1363, which would deny automatic citizenship at birth to children born in the United States to parents who are not citizens or permanent resident aliens.

Citizenship at birth would not be guaranteed to the native-born children of illegal aliens because they never received the nation's consent to their permanent residence in the United States. Under the laws of Great Britain from which we derived our common law of citizenship, it does not extended it to the native-born children of either illegal aliens or temporary resident aliens. The same is true of other western European countries.

Professors Peter H. Schuck and Rogers M. Smith of Yale University Law in their book *Citizenship Without Consent: Illegal Aliens and the American Polity,* argue that citizenship, at the basic level of our society, is something that both sides should consent to, at least implicitly. It is clear that society as a whole lacks consensus as to the presence of aliens who enter the United States illegally or to the status of their children. Schuck and Smith argue that there must be a reinterpretation of the Citi-

zenship Clause of the Fourteenth Amendment. Its guarantee of citizenship to those persons born "subject to the jurisdiction" of the United States should be read "to embody the public law's conception of consensual membership, and therefore to refer only to children of those legally admitted to permanent residence in the American community—that is, citizens and legal resident aliens."

The reinterpretation is reasonable due to the theoretical ambivalence on the part of the framers of the Fourteenth Amendment on citizenship; the inconsistences throughout our history on citizenship law; and the policy considerations that exist today which increase the appeal of consensual citizenship. It is therefore appropriate that Congress act on its authority by law on this reinterpretation.

In addition, some of my colleagues for whom I have the greatest amount of respect, have called for a Constitutional Amendment to deny citizenship to those born on U.S. soil to illegal aliens. However, no court case has ever directly challenged the application of the precedent in allowing automatic citizenship to the children of illegal immigrants. Therefore, we should amend the Immigration and Nationality Act first and then let it be challenged in the courts. If the Courts rule that the Congress does not have the authority to reinterpret the Fourteenth Amendment, then I would support a Constitutional Amendment. However, until this issue is definitively decided by the Courts, it is my view that we should define citizenship statutorily.

Therefore, I would like to take this opportunity to formally request hearings on my "Citizenship Reform Act of 1995," H.R. 1363 by the Judiciary Subcommittee on Immigration and Claims. It is my view that the issue of citizenship deserves careful examination which could be achieved through the committee hearing process.

Mr. Chairman, I would like to thank you for the opportunity to come before your committee and I look forward to working with you and the other members of the subcommittee on this issue.

ILLEGAL ALIEN ELIGIBILITY FOR FEDERAL ASSISTANCE

Education—Supreme Court ruled in *Plyer* v. *Doe,* 457 U.S. 202, 1982, that States may not deny public education to undocumented alien children. Court also ruled that such children are eligible for the school lunch program.

Medicaid (non-emergency care)—law specifically bars illegal aliens from receiving Medicaid, but children born in the U.S. to undocumented aliens can qualify in their own right depending on their families' situation.

Medicaid (emergency care)—law specifically allows illegal aliens to receive emergency care provided they would otherwise meet Medicaid's eligibility requirements. "Emergency medical condition" is defined by Medicaid statute as "a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—(A) placing the patient's health in serious jeopardy, (B) serious impairment to bodily functions, or (C) serious dysfunction of any bodily organ or part."

Medicare hospital care (part A)—no citizenship or alien status requirement. Illegal aliens may qualify provided they meet eligibility requirements (employment has withheld Medicare taxes for requisite period of time).

Aid to families with dependent children (AFDC)—law specifically bars illegal aliens from receiving AFDC, but children born in the U.S. to undocumented aliens can qualify in their own right depending on their families' situation.

Social Security Income (SSI) for the aged, blind, disabled—same as AFDC.

Social Security (old age, survivors, and disability insurance)—no citizenship or alien status requirements. Illegal aliens may qualify provided they meet eligibility requirements (employment has withheld social security taxes for requisite period of time).

Legal Services—same as AFDC.

WIC, Special supplemental food program for women, infants, and children—laws' requirements do not contain a specific provision on alien status. Since law does not specifically prohibit WIC to illegal aliens, they qualify by default.

Earned Income Tax Credits (EITC)—same as WIC.

Migrant Health Centers—same as WIC.

Veterans' pensions—same as WIC.

Job Partnership Training Act (JPTA)—illegal aliens are specifically barred by law from receiving JPTA benefits.

Unemployment compensation—same as JPTA.

Postsecondary Student Financial Aid—same as JPTA.

Emergency disaster aid under FEMA (Federal Emergency Management Agency).

INVOICE FOR TOTAL COUNTY COSTS FOR UNDOCUMENTED IMMIGRANTS 1992–93

Major cost components	Total cost	County	State	Municipalities	Private
Criminal justice system	$151,220,101	$52,996,688	$46,912,549	$51,310,864	.....
Health services	50,053,773	8,670,755	28,272,476	190,068	$12,920,474
Public education	60,021,516	.....	60,021,516	.....	.....
Social and public services	42,714,695	4,255,476	38,429,557	29,662	.....
Total State and local costs	304,010,085	65,922,919	173,636,098	51,530,594	12,920,474
State and local tax revenues	(59,722,386)	.....	.....	.....	.....
Net State and local costs	244,287,699	.....	.....	.....	.....
General relief adjustment	.....	(1,365,890)	.....	.....	.....
Invoiced amount:					
Adjusted net county costs	.....	64,557,029	.....	.....	.....

Note.—Citizen children only undocumented immigrant AFDC cases in San Diego County is $18,681,072.

Source: California State Department of Social Services.

Mr. SMITH. Mr. Bilbray, let me respond very quickly to you. I think you raise an incredibly important issue as to how the 14th amendment should be interpreted, how it can be interpreted, and the original intent of the 14th amendment as well. We have talked about this before. I will say to you today that although we have not yet scheduled a hearing, I intend to schedule a hearing because of your recommendation and because of the importance of this subject. So we will do everything we can to help you give some attention to that important issue and question.

Mr. BILBRAY. Thank you very much, Mr. Chairman.

Mr. SMITH. Let me go to Mr. Heineman and Mr. Bryant.

Mr. HEINEMAN. I have no questions.

Mr. BRYANT of Tennessee. I have no questions.

Mr. SMITH. OK.

Mr. BILBRAY. Mr. Chairman, thank you very much. The people of California and the country would be happy to hear the hearing.

Mr. SMITH. Brian, thank you for being here today. We will recess for about 15 minutes, go vote, and return.

[Recess.]

Mr. BONO [presiding]. Lamar is going to be held up a little while, so we'd like to keep going with the proceedings. Next up would be Mr. Rohrabacher.

STATEMENT OF HON. DANA ROHRABACHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ROHRABACHER. Thank you, Chairman Bono. I like the ring to that.

Mr. BONO. That sounds great.

Mr. ROHRABACHER. Mr. Chairman, I am here today to inform Members about a dangerous change to the immigration law that was slipped into last year's Commerce, State, Justice appropriations bill, without most Members' knowledge.

This provision, authored by Senator Kennedy, makes a mockery of our immigration system. It rewards certain aliens who are in the United States illegally. Let me emphasize that. It rewards immigrants who are here illegally, by allowing them to apply for permanent status and remain in the United States while their application is pending. While waiting for their applications to be adjudicated, these illegal aliens are considered PRUCOL, which is permanent resident under color of law. That is, these aliens then become eligible for several taxpayer funded government benefits.

Furthermore, this loophole threatens the security of our Nation. People who have crossed our border without inspection or who have overstayed their visas are now able to apply to adjust their status at the local INS office. Before, they had to return to their home country and the status adjustment would be done by specialists in the State Department Consular's Office.

There is an extreme danger in having the INS district employees determining who will be allowed to adjust to permanent status. They do not have the training or the resources necessary to screen for possible criminal or terrorist connections as does the State Department. Allowing some illegal aliens to apply in the United States circumvents the screening process we have so carefully established to protect our country's security. The INS tells us that

their district offices are already overworked and understaffed. How will the INS employees thoroughly investigate the backgrounds of those illegal aliens applying for adjustment under this provision, when the aliens' records are in their native countries? Well, that's a very good question. The job is not going to get done.

When I spoke out against the Kennedy provision last year during floor consideration of the Commerce, State, Justice appropriations conference report, my colleagues who supported the provision claimed it would only affect a few hundred people. Unfortunately, many of the things that were done wrong during the regime, when the party who controlled the Congress last year made these predictions, happy predictions were made by people who really didn't know what the consequences of what they were doing were going to happen. I knew that this was going to affect more than a couple hundred people. I asked the General Accounting Office to look into the matter. In fact, my office was recently briefed by the General Accounting Office on the number of illegal aliens who have already applied for permanent residency under this provision. It is not just a couple hundred people, as we were told.

Since October 1, 1994, when the Kennedy amendment went into effect, until the end of February 1995, almost 80,000 illegal immigrants have applied for adjustment of their status using this particular loophole. The INS anticipates this number will more than double by the end of this fiscal year. The INS district officials in Los Angeles, San Francisco, San Diego, and Seattle have all reported that their estimated processing time for all applications had doubled, and in some offices, it has tripled. That means that aliens, both legal and illegal, who have applied for adjustment of their status for naturalization, will have to wait two or three times as long as they would have had their application been processed before the Kennedy provision became law.

Here again, we have basically condemned and hurt the legal immigrants into our country by mixing them in with illegal immigrants. Now, they are going to have to wait two or three times longer because we have changed the processing procedures on illegal immigrants.

Mr. Chairman, I do not need to tell you how fed up the American people are with the waves of illegal aliens pouring onto our shores. The last thing we should do is be rewarding those who flagrantly violated our laws, by allowing this loophole to remain, a loophole that actually provides benefits to those who came to our country or stayed in our country illegally.

I urge you, Mr. Bono, and the chairman of this committee to include a repeal of the Kennedy amendment in any comprehensive immigration legislation that your committee passes.

Just in brief I'd like to say, in reference to some of the testimony we have already heard, one of my colleagues testified that in her county the people are so concerned about children that they voted against proposition 187. In my county the people voted overwhelmingly in favor of proposition 187 because they too are concerned about children, their own children and the children of people in their community, not the children of people who have come here illegally from other countries, because we have to be more concerned and take care of our own people of all races and all colors before

we expend very limited education funds to provide education and other benefits for people who come here illegally from another land. That is the essence of my testimony, Mr. Chairman.

[The prepared statement of Mr. Rohrabacher follows:]

PREPARED STATEMENT OF HON. DANA ROHRABACHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, in the last Congress there was a lot of tough talk about illegal immigration, however, little got accomplished. I am here today to inform Members about a dangerous change to immigration law that was slipped into last year's Commerce, State, Justice Appropriations bill without most Members' knowledge.

This provision, authored by Senator Kennedy, makes a mockery of our immigration system! It rewards certain aliens who are in the United States illegally (let me repeat that, illegally) by allowing them to apply for permanent status and remain in the U.S. while their applications are pending. While waiting for their applications to be adjudicated, these illegal aliens are considered PRUCOL (Permanently Residing Under Color of Law) aliens and are eligible for several taxpayer-funded government benefits.

Furthermore, this loophole threatens the security of our nation. People who have crossed our borders without inspection or who have overstayed their visas are now able to apply to adjust their status at the local INS office. There is an extreme danger in having INS district employees determining who will be allowed to adjust to permanent status. They do not have the training or resources necessary to screen for possible criminal and terrorist connections as does the State Department. Allowing some illegal aliens to apply in the U.S. circumvents the screening process we have so carefully established to protect our country's security. The INS tells us their district offices are already overworked and understaffed. How will INS employees thoroughly investigate the backgrounds of those illegal aliens applying for adjustment under this provision when the aliens' records are in their native countries? Good question.

When I spoke out against the Kennedy provision last year during floor consideration of the Commerce, State, Justice Appropriations Conference Report, my colleagues who supported this provision claimed it would only affect a few hundred people. I knew that was nonsense and asked the General Accounting Office to look into this matter. My office was recently briefed by the General Accounting Office on the number of illegal aliens who have already applied for permanent residency under this provision and it isn't just "a few hundred." Since October 1, 1994 when the Kennedy amendment went into effect until the end of February 1995, almost 80,000 illegal aliens applied for adjustment of status using this loophole. The INS anticipates this number will more than double by the end of this fiscal year. INS district officials in Los Angeles, San Francisco, San Diego and Seattle all reported their estimated processing time for *all* applications had doubled and in several offices, tripled. That means that aliens, both legal and illegal, who have applied for adjustment of status or for naturalization will have to wait two to three times as long as they would for their application to be processed before the Kennedy provision became law.

Mr. Chairman, I don't need to tell you how fed up the American people are with the waves of illegal aliens pounding our shores. The last thing we should be doing is rewarding those who have flagrantly violated our laws by allowing this loophole to remain open. I urge you to include a repeal of the Kennedy amendment in any comprehensive immigration legislation your Committee passes. Thank you.

Mr. BONO. Thank you very much. Evidently, no one has made it back from the floor yet. Just one question. Is the INS opposed to continuing this particular portion of their policies?

Mr. ROHRABACHER. Yes. I am not sure exactly what the official position of the INS is, seeing that, of course, the official positions of government agencies are determined by whoever is holding the Presidency. I am not sure exactly what position they took.

I will say that I have visited the State Department consular officers overseas and indeed, this does take some of the load off of their shoulders. But they fully realize that the job can't be done by the INS here within the United States.

I have had people pull me aside and explain the national security implications, because when you are trying to go through and prove whether someone is going to be able to adjust their status and come into the United States, if the records are in their home country, well, if that's being done in their home country, they don't have any excuse for not producing the records. But in the United States, they say, "Well, we have to write and get those documents." That means they could be there for months and months, if not years, all of which during that time period they are eligible for government benefits, which we are talking about eating up hundreds of millions of dollars of government benefits.

This is not right. It's not fair to our own people. It's not fair to legal immigrants who have come here. This provision was underestimated by the people who proposed it. We have had 80,000 rather than a couple hundred taking advantage of it within the first 6 months. It better be repealed before it really costs us much more than was ever estimated.

Mr. BONO. When you said "colleagues," was that both sides of the aisle?

Mr. ROHRABACHER. In terms of——

Mr. BONO. When they quoted you a figure of 200. Was that our side of the aisle saying this isn't that bad?

Mr. ROHRABACHER. Actually, no, actually. Some colleagues on the other side of the aisle who were the majority party at that time, shoved this "reform" through. The bottom line is, it has not turned out any way near what they claimed it would turn out. It has turned into an awful burden for our society. We better change it before that burden actually expands.

Mr. BONO. We got the message. Thank you. Mark Foley. I'm sorry. Mr. Martini, I'm sorry. Sorry, Mark. Bill has been sitting here for a long time.

STATEMENT OF HON. WILLIAM J. MARTINI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. MARTINI. Thank you, Mr. Chairman. For the record, I have submitted more extensive remarks. I will try to just summarize some of my comments here this afternoon, for the benefit of the committee.

Mr. Chairman, as we all know, this country has always been known as a land of immigrants. For almost 400 years, millions of families have traveled thousands of miles to embrace the opportunities that only America can provide. I can say personally, at the turn of this century, my own grandparents came to this country from Italy, to settle in northern New Jersey. They came, obviously, to build a successful business, raise a family, and fulfill their dreams. They came because America then, and they came legally of course, but they came because this country offered them the promise of hope and opportunity.

Ironically, it is now a problem concerning immigration that threatens this fine tradition that this country represents. I speak of course of illegal immigration. This is not a racial or an ethnic issue, or even an issue about compassion. This is about the American dream. The strain that illegal immigration is putting on our system is making the American dream more like the American

nightmare, however. As America became an industrial nation at the turn of the century, it certainly needed large amounts of manual labor. Immigrants came. They worked hard, and they shared that American dream. Too often in modern America, however, low skilled immigrants are becoming dependent on a government for subsistence rather than hands that actually work and provide.

Illegal immigration is having a devastating impact on the residents of our State of New Jersey. Citizens of my State are competing for limited services, as is the case for citizens of all of our States, and competing with illegal immigrants who in many cases have not contributed to the system. Our immigration policies have created a cycle of dependence on the Federal Government. Like a magnet, the benefits that illegal immigrants know they will receive when they come to this country act as the wrong incentive to come here. Too often, newly arrived immigrants learn to take advantage of our social system and programs instead of contributing to that system. When it becomes easier to receive Federal benefits than to work, a cycle of perpetual dependence is created, as we all know.

Some individuals would argue that we should continue to reward individuals for taking the initiative to cross our borders, and do not want to require them to file the necessary legal papers to come to our shores. Some go as far as insisting that these people have a right to the generous education and health care benefits provided to State taxpayers. Clearly, Mr. Chairman, with the greater than $4 trillion national debt, we cannot in good conscience continue to provide these types of benefits to illegal immigrants. Estimates vary on the cost of social services used by illegal immigrants. However, what is clear is that illegal immigration costs U.S. taxpayers billions of dollars each year.

As this Republican Party begins comprehensive change in the way the Federal Government works, we must include a reexamination of this issue in the debate. In the next several weeks, we will begin to take the necessary steps to cut spending to achieve a balanced budget. The American taxpayer has every right to demand and expect fairness in this process. This will require many difficult decisions. If we are to truly bring fiscal responsibility to the budget process, we must make sure that illegal immigrants do not receive the benefits that rightfully belong to American citizens. Again, this becomes a choice of priorities.

As this subcommittee writes comprehensive immigration reform, I feel confident that it will be drafted in a fair manner, that fully recognizes the vital contributions legal immigrants make daily to our Nation. This confidence comes in large part from a statement made recently by the distinguished chairman of this subcommittee, Mr. Smith, when he said:

> Immigration reforms we enact in the 104th Congress should support and enforce the rule of law, be based on common sense, and link benefits and privileges to civic duties and responsibilities.

I completely agree with Chairman Smith.

A major part of my campaign for Congress was based on the promise to reexamine social welfare benefits to illegal immigrants. I am pleased to be able to say that in the first 100 days, this Congress took steps already to deal with this issue. However, as we all

know, and this committee certainly knows, there is always more we can do.

The Federal Government, over the last 20 years, has required States to pay for the costs of illegal immigration. As a State that attracts many immigrants, New Jersey has been required to spend millions of dollars annually on services to illegal immigrants. Our Governor, Christie Todd Whitman, should have a greater say in what services, if any, should be provided to illegal immigrants and any reform must contain this kind of flexibility to the States. Every Governor, in my opinion, deserves this right.

In addition, the Congress should write legislation that encourages in the strongest way, individuals to take the necessary steps to becoming American citizens. If individuals are not willing to pledge their allegiance to this country, then the Federal Government should not have to pledge assistance to them in the form of social programs.

But most of all, Mr. Chairman, Congress needs to reinvent America in such a way that we replace the cycle of dependence with one of independence. Independence from our Federal Government. When a member of an immigrant family learns to be self-sufficient, then a cycle of independence from the Federal Government is in fact created. This freedom instills a sense of pride, a pride that comes from knowing that we have worked within the system to expand opportunity, not exploit it. We need to do more to ensure that individuals who come to this country do not become trapped in the cycle of dependency. Only by being independent of the Federal Government, are individuals able to realize the American dream.

Let me just conclude by saying and relating to you one experience that I had that actually raised in my mind the problem and the concern that exists out there with the illegal immigration process. I happen to be representing a district that has urban areas and has a considerable number of newly arrived immigrants, legal immigrants. In fact, it was in my visit to a factory in one of the urban areas, that I first, I guess, became very aware of the sensitivity of this issue, because in fact, it was the newly arrived legal immigrants who came to me and expressed their concern about the fact that they do compete, in fact, for job availabilities with illegal immigrants in the factories in our urban areas. So it was their expressions of concern that really, I think, focused the issue for me better than the expressions of concern from anyone else. That is why I took the initiative in the campaign and followed through in wanting to be a part of the process to reform our current immigration laws and to be sure that we encourage immigration, but do so in a legal manner for the very reason that I said. It often impacts on those very people that we're trying to get into the system, to encourage them to work, to get the lower end jobs, and to work themselves up from the system. So it was that incident that I think focused it for me. Thank you very much.

[The prepared statement of Mr. Martini follows:]

PREPARED STATEMENT OF HON. WILLIAM J. MARTINI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, the United States of America has always been known as a land of immigrants. For almost four hundred years, millions of families have traveled thousands of miles to embrace the opportunities that only America can provide. At

the turn of the century, my own grandparents came to this country from Italy to settle in Northern New Jersey. They came to build a successful business, raise a family, and fulfill their dreams. They came to America legally and all they were promised was hope and opportunity.

Ironically, it is now a problem concerning immigration that threatens this fine tradition. I speak of course of illegal immigration. This is not a racial or an ethnic issue, or even an issue about compassion—this is about the American Dream. The strain that illegal immigration is putting on our system is making the American Dream more like the American Nightmare.

As America became an industrial nation, it needed large amounts of manual labor. Immigrants came, they worked hard, and they shared in the American Dream. Too often in modern America, however, low skilled illegal immigrants are becoming mouths to feed rather than hands that work.

Illegal immigration is having a devastating impact on the residents of New Jersey. Residents of my state are competing for limited services with illegal immigrants who in many cases have not contributed to the system.

Our immigration policies have created a cycle of dependence of the Federal Government. Like a magnet: the benefits that illegal immigrants know they will receive when they come to this country act as an incentive to come. Illegal immigrants take advantage of federal programs such as Head Start, Aid to Families with Dependent Children, the Earned Income Tax Credit, Home Energy Assistance, Housing Assistance, WIC, and even the Federal school lunch program. Too often newly arrived immigrants learn to take advantage of these programs instead of contributing to the system. When it becomes easier to receive federal benefits than to work, a cycle of perpetual dependence is created.

Some individuals would argue that we should continue to reward individuals for taking the initiative to cross borders, and do not want to require them to file the necessary papers to come to our shores. They go as far as insisting that these people have a right to the generous education and health care benefits provided by state taxpayers.

Clearly, Mr. Chairman, with a greater than $4 trillion national debt, we cannot in good conscience continue to provide these types of benefits to illegal immigrants. Estimates vary on the costs of social services used by illegal immigrants; however, what is clear is that illegal immigration costs U.S. taxpayers billions of dollars each year.

As the Republican Party begins comprehensive change in the way the Federal Government works—we must include a reexamination of this issue in the debate. In the next several weeks we will begin to take the necessary steps to cut spending to achieve a balanced budget, and the American Taxpayer has every right to demand and expect fairness in this process. This will require many difficult decisions. If we are to truly bearing fiscal responsibility to the budget process, we must make sure that illegal immigrants do not receive the benefits that rightfully belong to the American citizen.

As this Subcommittee writes comprehensive immigration reform, I feel confident that it will be drafted in a fair manner that fully recognizes the vital contributions legal immigrants make daily to our nation. This confidence comes in large part from a statement made recently by the distinguished chairman of this subcommittee, when he said "immigration reforms we enact in the 104th Congress should support and enforce the rule of law, be based on common sense, and link benefits and privileges to civic duties and responsibilities." I completely agree with Chairman Smith.

A major part of campaign for Congress was based on the promise to reexamine social welfare benefits to illegal immigrants. I am pleased to be able to say that in the first 100 days the Congress took steps to deal with this issue.

The Federal Government over the last twenty years has required states to pay for the costs of illegal immigration. As a state that attracts many immigrants, New Jersey has been required to spend millions of dollars annually of services to illegal immigrants. Our Governor, Christie Whitman, should have a greater say in what services, if any, should be provided to illegal immigrants. Any reform must contain this kind of flexibility to the states.

Every governor deserves this right. Illegal immigration is a federal concern, and the Federal Government should take responsibility for it. In too many ways, the Federal Government seems to be taking advantage of the federal-state relationship. For example, Congress routinely uses the states to collect payroll taxes that go to fund federal programs, but at the same time forces the states to pay for the education of illegal immigrants. The Federal Government receives a benefit, while the states are forced to deal with the cost of providing for illegal immigrants.

In addition, the Congress should write legislation to encourage, in the strongest way, individuals to take the necessary steps to becoming American citizens. If indi-

viduals are not willing to pledge their allegiance to this country, then the Federal Government should not have to pledge assistance to them in the form of social program.

We need to look at every facet of American life and determine what impact illegal immigration has had on it. Crime, unemployment, and health care—all must be looked at in the context of that affects of illegal immigration caused.

But most of all, Mr. Chairman, Congress needs to reinvent America in such a way that we replace the cycle of dependence with one of independence—independence from our Federal Government. When a member of an immigrant family leans to be self-sufficient, then a cycle of independence from the Federal Government is crated. This freedom instills a sense of pride, a pride that comes from knowing that they have worked within the system to expand opportunity, not exploit it. We need to do more to ensure that individuals who come to this country do not become trapped by the cycle of dependence. Only by being independent of the Federal Government are individuals able to realize the American Dream.

This country's foundation is built on the diversity of its people and the blending of different cultures. But now there are those who would point to the problems surrounding illegal immigration and demand an end altogether to this vital part of the American Dream. Many Americans often resent those individuals who become dependent and do not embrace the principles, and the independence, of the American Dream. We need to address this immediately in order to combat this rising resentment, and protect the American Dream.

Thank you, Mr. Chairman.

Mr. BONO. Thank you very much. Mark Foley.

STATEMENT OF HON. MARK FOLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. FOLEY. Thank you very much, Mr. Chairman and the committee, for the opportunity to address the committee on the subject of immigration. First, let me say that as many Members of Congress, my grandparent came from other nations. My grandmother came from Poland. She came with a sponsor, clean bill of health. She took a job as a maid in a Travel Lodge Motel, cleaned 28 beds a day, cleaned 28 toilets, all to be part of the American dream, to work, to prosper, to help her family to succeed.

The recent debate over our Nation's welfare system and the crucial need to balance the Federal budget launched a valid discussion over the spiraling costs associated with immigration, particularly illegal aliens who have crossed our borders. We have, and California certainly, has experienced proposition 187. Florida is beginning the early drive to enact a similar measure.

There was a poll taken by the Orlando Sentinel, a call-in poll, showing 95 percent of the respondents endorsing a ban on all immigration for a few years to take a breather to see what we should be doing. I am not sure I agree with that position, but I think when you look at the facts and you look at the fact that there are 3 to 4 million undocumented aliens residing in the United States, 300,000 adding to the list each and every year, we have a significant problem in States and in the Federal Government.

The State of Florida estimated that the 1993 State and local government spent over $2½ billion in public assistance and in service programs for immigrants. Over a third of these tax dollars were used specifically to cover the cost incurred by illegal aliens. That is a conservative figure, at best. There are approximately 5,504 criminal aliens in the State correction facility on any given day, costing Florida taxpayers on average, $14,000 per inmate annually.

President Clinton's recent announcement to parole 21,000 Cubans from the Guantanamo Naval Base further places a strain on

Florida and its State and local economies. Florida desperately lacks the jobs and financial resources to deal with this influx. We are still reeling from 1980 when the *Mariel* boatlift occurred, and a number of people were released from the prisons and the mental facilities in Cuba.

Not all of those that arrive from Cuba have been a problem. In fact, our economy and our State has prospered as a result of Cuban immigration. They are hardworking. They are industrious. But some of the bad actors that we got along with those, have caused significant problems in our State.

We have a number of things that we have to focus on in this Congress. I am thrilled that the Speaker appointed a task force. I am also thrilled that Mr. Smith, the chairman of this subcommittee, has been so active in this area of legislation. I plan on announcing and introducing legislation that will clarify the 14th amendment, a constitutional amendment to require at least one parent has lawful immigration status in the United States in order for the child to qualify as a natural born citizen of this country.

In looking and doing research, I notice almost every country in the globe had some requirements for citizenship, one or both parents to be citizens to allow a child to have a citizenship status upon birth. Not just the large ones like England and France, but Kuwait and others, have a requirement that at least one parent, regardless of the sex of the parent, one parent must be a lawful citizen, or a lawful resident of that country. The General Accounting Office estimated that the total Federal, State, and local cost of providing AFDC alone, was $479 million for fiscal year 1992.

One of the things that I have stressed in my community, and I am on the Agriculture Committee, is that we are going to have to look very seriously at employer sanctions. Part of the threat and part of the problem we have in people coming to this country is the fact that they are gaining employment, paid under the table, not paying taxes, and they are encouraged to come here because of those job opportunities. So I think we are going to have to be very clear that this committee also has to strengthen employer sanctions.

Border patrols, increased border patrols in several of our States, including Florida. When Janet Reno announced and the President announced the beefed-up package on border patrols, Florida ended up with 70 positions. Unfortunately, all 70 were administrative, none in the field, where our biggest problem occurs.

I think if this committee is to get serious, we must start approaching the reforms in a very fair and compassionate manner. We must look at the way this country has allowed immigration to spiral out of control, and then we may be able to avoid divisive issues such as proposition 187 in other States. We may not have to take up those calls and get the voters in an uproar.

Immigration policy is the purview of the Federal Government. That is why we were elected. Immigration costs that States are incurring are the purview of the Federal Government. So I think it's incumbent on not only this committee, but every Member of Congress to work, to answer these questions and seek legislation that will remedy the burdens that are being placed on our States and our communities. Thank you, Mr. Chairman.

[The prepared statement of Mr. Foley follows:]

PREPARED STATEMENT OF HON. MARK FOLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, thank you for providing me the opportunity to come before the subcommittee today. I applaud your leadership on addressing the issue of immigration reform and for organizing this Members Forum to discuss our particular concerns.

Let me begin by sharing with you a personal story about my grandmother. Like many Americans, I am a descendant of immigrants—my grandmother was an immigrant from Poland. She came to the United States through the legal immigration process with a sponsor, a clean bill of health and eager to find a job. My grandmother worked as a maid in a local motel as she raised her family. She was proud to become an American citizen.

Historically, the United States has been a country of immigrants like my grandmother in search of new hopes and opportunities in a democratic society, one which promises "life, liberty and the pursuit of happiness." The American dream was a symbol of individualism, independence and entrepreneurship. However, this perception has been tarnished by incentives promoting dependency and big government as a way of life.

The national debate over balancing our budget launched a valid discussion over the spiraling costs associated with immigration, particularly illegal aliens who have crossed our borders, and the incentives driving many of them to the U.S. today.

Today we see government dependency undermining these incentives. Americans question why their tax dollars are being spent on welfare benefits to noncitizens when we cannot even afford to take care of our own citizens first. This growing discontentment was most recently apparent during last year's elections when citizens in California voted for Proposition 187 to deny benefits to illegal aliens. Similar referendum initiatives have been organizing across the country, including my home state of Florida.

I regret that immigration has become such a divisive issue within our states. It is clearly time for Congress to take appropriate action to calm this crisis. Experts estimate that the number of undocumented aliens residing in the United States is somewhere between 3 and 4 million—and this number continues to grow by at least 300,000 each year.

The State of Florida estimated that in 1993, state and local governments had spend $2.5 billion in public assistance and service programs for immigrants. Over a third of these tax dollars were used specifically to cover the costs incurred by illegal aliens. Moverover, there are approximately 5,500 criminal aliens in state correction facilities on any given day, costing Florida taxpayers on average, $14,000 per inmate annually.

President Clinton's recent announcement to parole 21,000 Cubans into the U.S. from the Guantanamo Naval Base will further strain Florida's state and local economies. Florida desperately lacks the jobs and financial resources to deal with this influx. Floridians are still paying for costs associated with the Mariel Boatlift of 1980. Many of those who arrived in the United States were found to be criminals or mental patients that the Cuban government released from their country and many are still incarcerated in Florida and other state correctional facilities. I would hope that in the future, the Administration will consult with Congress before making decisions such as these which will have a crucial impact on the state.

I am pleased that there have been bipartisan discussions on the disproportionate burden immigration places on many states. There is a strong commitment in both the House of Representatives and the Senate to develop sensible, reasonable reforms to our immigration laws. Speaker Newt Gingrich recently appointed a Congressional Immigration Task Force, of which I am a member. This bipartisan panel of 54 members from various states has been examining one aspect of the immigration debate: the incentives driving illegal immigrants to the U.S.

This task force has focused on issues such as Border Patrol, work site enforcement, benefits to illegals, asylum reform, deportation of criminal aliens, and visa overstays. I have been involved with two of these working groups: asylum reform and criminal deportation. The task force will be making recommendations to the Speaker by June 1 of this year.

In addition to my work on the task force, I will be introducing legislation of my own to address one of the incentives promoting illegal immigration: automatic birthright citizenship. This Thursday I will introduce the Citizenship Clarification Amendment of 1995. My legislation modifies our citizenship requirements, allowing a person born in the U.S. to be granted citizenship only if at least one parent is

a lawful citizen, a lawful resident of the United States, or has lawful status under the immigration laws of the United States at the time of birth.

One of the factors attracting illegal immigrants to the U.S. is automatic citizenship to any child born on American soil. Therefore, due to current citizenship requirements, children born to undocumented aliens become automatic citizens and are eligible for federal benefits—all at the expense of American taxpayers. According to a San Diego Union-Tribune article, an estimated 96,000 babies were born to undocumented women who were covered under California's Medi-Cal (state Medicaid program) program in 1992 alone. Illegal aliens who have citizen children are the recipients of these benefits such as Aid to Families With Dependent Children (AFDC), Food Stamps, school nutrition programs and health services, on behalf of their children. The General Accounting Office estimated that the total federal, state and local cost of providing AFDC alone was $479 million for fiscal year 1992.

The Fourteenth Amendment reads: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States . . ." The fundamental purpose of this amendment was to confer Federal citizenship on the newly freed slaves following the Civil War so that they would be afforded the same civil rights as all Americans. However, this amendment has been broadly interpreted to confer citizenship on anyone born on American soil, whether the parents are in the U.S. legally or not.

It is important to note that the debate over ending automatic birthright citizenship is not an issue only affecting America. In fact, most other countries have implemented similar immigration policies, including England, France, Australia, Germany and Italy just to name a few. A recent editor at the Dallas Morning News noted that England ended its custom of granting birthright citizenship in 1983 after seven centuries of legal tradition.

Our Founding Fathers and the Framers of this Amendment could not possibly foresee the current wave of illegal immigration we are experiencing in the United States which is due, in large part, to the rise of the American welfare state. I believe my amendment will protect the immigration system by eliminating a leading incentive to illegal aliens and restore the integrity of the legal immigration process.

Again, I thank you Mr. Chairman for allowing me this time to speak to you and the members of the subcommittee on an issue vitally important to all Americans.

Mr. BONO. Thanks, Mark. Chairman Smith has really been doing a wonderful job on this issue. I think we're all going to be satisfied with the results of that effort. So thanks for testifying today. Porter Goss.

STATEMENT OF HON. PORTER J. GOSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. GOSS. Thank you, Mr. Chairman. I want to join my colleague, Mark Foley, representing south Florida, to speak to this issue. It is extremely important to us. I ask, I have prepared remarks, that they be included in the record. Thank you, Mr. Chairman.

The essence of what I have to say really boils down to coming to reality. We have got a collision right now between compassion and reality. We just simply don't have the ability to keep doing what we are doing anymore, no matter what our heart may say about tragic situations around the rest of the globe.

I have, at any given moment in my district in south Florida, up to 500 backlog cases with my case workers down there. A great percentage of them have been with these kinds of problems, immigration problems. If there's an agency that is in trouble, it is surely INS. They do not have enough manpower to do their job. I'm not sure they have enough policy direction to do their job. It is a situation, when we talk about immigration, that is totally out of control. It doesn't matter whether we are talking about legal immigration through the quota system, whether we're talking about political asylees, whether we're talking about protecting our borders and il-

legal aliens. It is out of control in every way you look at it. It is time to do something.

I have been to Guantanamo. I have been to Haiti. I have been in the Florida Straits. I have been to the Chrome Avenue Detention Center. I have been in the fields of southwest Florida. I have been in the hospitals. I have been in the schools. I have been in the day care centers. I have been in the children centers. I can tell you that it is out of control.

We are bearing the load disproportionately in places like south Florida. But the problem is that we have this all over the Nation to one degree or another. So it is not just a south Florida or a south California or a Texas or a border State fix. It's what this country is about. We do not have a policy that tracks very well. Perhaps as we have recently seen in the Cuban situation, which has flip-flopped now a couple of different ways. Not only is it causing immigration problems, it is causing disruptions in large cities in our Nation, like Miami. Right now, with work stoppages and traffic blockages and so forth, because we are not doing our job properly.

There is no question that we have much to do, because the evidence is overwhelming, and there are many disagreements on the responses. I tend to feel that we need to put a whole lot more responsibility on the sponsors. That is how it used to be. I think that is a positive suggestion that we can go back to. I certainly think we can deal with removing some of the pull power of the magnets. The birthright questions, the people coming across the border, have their children in hospitals in America so that they become American citizens. Very obvious questions.

When you compare some of the other benefits in south Florida, to some of those in nearby countries, there is clearly a pull to come to our area because the quality of life is a lot better. If we keep advertising that and failing to control our borders, we are going to get just what we are getting today, obviously.

I think that when you get into all of the suggestions that are in the written testimony and the other things that we can do, it is pretty obvious that we have got to talk a little bit more about penalties. We have got to talk a little bit more about ways to create tamper proof cards that don't violate anybody's privacy. We have to talk about frankly, an administrative system that works and doesn't lead to situations like we have had too often in Chrome Avenue, where we just simply are overwhelmed.

We have discussed the benefits to come to legal aliens. We have talked about benefits for illegal aliens. These are issues that are not fully resolved at this point.

The long and the short of all of this is that this subcommittee, Lamar Smith and you, and all the other members of the committee in my view, have a tremendous challenge and a tremendous opportunity in front of you. You are certainly going to get plenty of willing participation from those of us who have been long looking for this opportunity to move legislation. So I congratulate you on giving us this opportunity. I certainly hope you will seize it and move legislation. We will do everything we can to cooperate with you on any aspect. Thank you.

[The prepared statement of Mr. Goss follows:]

PREPARED STATEMENT OF HON. PORTER J. GOSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Whether we discuss the number of immigrants (legal or illegal) entering the U.S. or the cost of providing services to them, one thing remains clear:' our nation's immigration policy is sorely in need of an overhaul. We have an especially serious problem with illegal immigration—above and beyond the strains that legal immigration is already placing on border states like Florida.

Across the nation it has become abundantly clear that the demands on agencies providing services to immigrants far outstrip the resources allocated to them. The federal government has shirked its responsibility, essentially foisting the financial consequences of its failure to control the country's borders onto state and local governments. The bottom line is that taxpayers in the five most highly impacted states (of which my state of Florida ranks third) bear 80% of the financial burden for the outgrowth of federal immigration policies. That is an unacceptable situation and one that should be addressed as we go through the reform process.

One part of the overall immigration reform equation must be meaningful changes in the availability of public services to illegal immigrants, a population in the U.S. estimated in 1994 to be around 4 million persons. I advocate limiting benefits extended to illegal aliens—benefits should be given for emergencies, not for a lifetime. I also believe that the time has come to review the practice of providing birthright citizenship. While illegal immigrants clearly come to the U.S. for a wide variety of reasons, I believe both of these steps would address what appear to be major "pull factors" for these individuals.

Benefits to legal immigrants are a different issue. These are immigrants who do enter through the proper channels, including political refugees. Those who are legitimately "going through the process" can and should be able to access some benefits. Ideally, they won't need to do so and, in fact, if signed into law, the House-passed version of the welfare reform bill would require those sponsoring legal aliens for citizenship to take a greater role in their financial support. By making affidavits of support legally binding, we would hopefully increase accountability and eliminate the waste and fraud from the process.

Ultimately, cutting benefits to immigrants is only part of the solution to what ails us. The real issue is the control of our own borders. Fixing this means: clamping down on illegal immigration and channeling legal immigration into efficient, effective systems; creating a disincentive to become "line jumpers" in the immigration process; and ensuring better workplace enforcement, including stronger laws, adequate enforcement resources, and increased penalties for alien smuggling, visa and passport fraud. We need tough legislation that will address the lack of follow-up on asylum claims and generally create a fair system that protects aliens with valid asylum claims and screens out most of those who are abusing the system.

Americans are compassionate people—our first instinct is to come to the aid of those in need. Even today, our country is seen as a haven, a land of hope and opportunity for people around the globe. But in one important way we are a nation like any other—a nation with finite resources. As such, we simply must do a better job of controlling our borders.

Mr. BONO. Thank you very much. You are so right about the compassion part of this. Nobody really wants to be a bad guy. I find it interesting that people that don't live on a border don't necessarily have the sensitivity that people that live in border areas do. I was active in proposition 187. The intent was never to be a bad guy, but just to say this is out of order and it really has to get in order for the survival of everybody. That is our goal.

Mr. GOSS. We are, Mr. Chairman, you are absolutely right. We are absolutely doing our best. We are strained at the seams taking care of those we have. To suggest that now we're going to take care of another 25,000 or so, I don't know how we deal with that.

Mr. BONO. Thank you very much. Jay.

STATEMENT OF HON. JAY KIM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. KIM. Thank you, Mr. Chairman. My name is Jay Kim, representing 41st District of California. My concern is, as you know,

I was a supporter of proposition 187. At that time, a lot of legal immigrants expressed concern that this was the first step toward legal immigrant bashing. I've been assuring them that this is not going to happen. All during debate on H.R. 4, one of the provisions prohibits all the benefits to legal immigrants as well. I quickly put together an amendment that allows or treats at least the permanent residents just like citizens.

Now let me tell you that legal immigrants are hardworking people. Perhaps all of us are legal immigrants, including myself, maybe your parents, your grandparents. They are the ones who built this country. Now, within legal immigrants, some of them decided to go back, some of them decided to stay. Those folks that decided to stay, they have to apply for permanent residenceship. That takes a long time. You go through a tough screening process. I know, I have been through this.

Once they are qualified they receive a so-called green card. From then on, they have been treated just like a citizen in the past, except they cannot vote. But they receive just like anybody else, the same benefits. They can also be drafted into military services, just like a citizen. I am talking about those folks who have a green card.

Now, during this debate, I withdrew my amendment with the understanding that I will have a chance to speak to you folks and maybe favorably consider my amendment. Let me tell you what my proposal is. It's simply to allow all permanent residents to receive benefits after they submit their citizenship application to INS.

Mr. BONO. I'm sorry?

Mr. KIM. Submit their citizenship application to INS and the INS accepts. That's fair. Let me tell you why.

Once they become a permanent resident, they will not receive any benefits whatsoever under my proposal. But it takes about 6 or 7 years to become eligible to apply for citizenship. Once they submit a citizenship application, that is submitted to the INS and accepted, then I think we should grant them all the benefits just like a citizen. The reason is that in California, it takes sometimes 5 years to become a citizen. Other States, like in Virginia, it only takes 1 year. Some States it might take 6 months. It depends upon the backlog.

Besides, those folks once they submit their application, and their application has been accepted, are really citizens-elect. All they are doing is waiting for the ceremony. I think they should be treated like a citizen. At least we have got to do that much.

Now in the past, right now, they are eligible since the day they receive a green card. What I am asking you is, let's move the date to the day the application has been submitted and accepted. I think it's fair. We've got to do it. Otherwise, all the thousands and thousands of legal aliens out there who have permanent residenceship will be totally confused. They feel they have been bashed. They have been mistreated. Besides, there's no incentive for them to come here legally anyway. They might as well come illegally. Same thing. I think it's an important gesture that my proposal should be included in your final recommendation.

[The prepared statement of Mr. Kim follows:]

PREPARED STATEMENT OF HON. JAY KIM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Pursuant to our discussion on the House floor during the debate on H.R. 4, I am interested in proposing some specific language regarding the eligibility of legal immigrants to receive welfare benefits.

As you will recall, you indicated that I would be allowed to present my views on this issue so that there may be an honest and open discussion with respect to its merits.

Specifically, my proposal would allow legal immigrants who have: (1) submitted a complete application for U.S. citizenship to the INS, and (2) that application has been accepted by the INS to continue receiving welfare benefits.

My intention is to ensure that only those legal permanent residents who have met INS standards for final approval of citizenship are eligible to receive benefits like any other citizen.

My proposal—in its final form—would be written in such a way as to ensure that only those who are here legally and have received permanent residency, who are here in search of the American dream, very few of which are on welfare, are made eligible under this new proposal.

These people have been here for a long time and have followed the legal process towards becoming citizens.

Denying benefits to these folks, some of whom have been waiting for citizenship for 5 or 6 years, would be unfair and could work as a disincentive towards the legal process.

The denial of benefits would be a very disheartening beginning for people who will become voting citizens and I believe that such a welcome is unwarranted.

While I have not yet received word from CBO regarding the potential cost of such a measure (they are doing that number crunching right now), I believe that it will not have an adverse impact on our efforts to reform welfare or achieve the savings we are trying to get from such reforms.

In the final analysis, I believe it is important that we show those people who enter this country illegally that they will not be treated with the same respect as those who enter the U.S. legally.

Finally, I would also like to draw your attention to an article in today's Washington Post which discusses an alternative option which I believe should be considered in this debate.

Specifically, my reading of Senator Packwood's proposal is to allow the states to decide individually if legal immigrants should receive welfare benefits or not, rather than setting a national standard.

I throw this out as another option in this debate.

Mr. BONO. OK.

Mr. KIM. Any questions?

Mr. BONO. Yes. Some of the proposals before you have talked about the exclusion of the INS as the authority to give these approvals. Is that a consideration in your—is it an amendment?

Mr. KIM. You mean the application was rejected?

Mr. BONO. No. Is a suggestion to this committee that we don't use the INS as the approval authority?

Mr. KIM. I don't know about that. I think they are the ones properly trained and have the knowledge in how to evaluate citizenship applications. That is the way it's historically done.

What I am saying is, instead of waiting for the approval once it's submitted and accepted, from then on, they should be eligible to receive all the Federal benefits.

Mr. BONO. How long is that waiting period?

Mr. KIM. It depends upon the State. California has a long, long wait because of backlog.

Mr. BONO. Because of backlog only?

Mr. KIM. Oh yes. For whatever reason, other States like Virginia, I understand it only takes 10 months. In California it takes 4 years.

Mr. BONO. Four years.

Mr. KIM. So it's not fair. It's not their fault they have to wait that long. It depends upon which State. I am trying to set up a sort of fairer leveling field.

Mr. BONO. It makes sense. Are you going to pursue some legislation independent of this committee?

Mr. KIM. I am going to do that.

Mr. BONO. OK.

Mr. KIM. As I say, Mr. Chairman, I am ready to consider——

Mr. BONO. When are you going to do that, soon?

Mr. KIM. When is a proper time to do it?

Mr. BONO. Actually any time. I don't know how your agenda is or when your agenda calls for that kind of legislation.

Mr. KIM. I can submit it tomorrow. The bill was written already and was submitted once before. All I have to do is just reprint it and submit it back to you.

Mr. BONO. Well thank you. It does make sense, Jay. I'm sure we will be considering it.

Mr. KIM. There's hardly any financial impact anyway.

Mr. BONO. There doesn't appear to be.

Mr. KIM. Thank you.

Mr. BONO. Thank you very much. Mr. Underwood.

STATEMENT OF HON. ROBERT A. UNDERWOOD, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

Mr. UNDERWOOD. Thank you, Mr. Chairman. Thank you for giving me this opportunity to address the committee on immigration issues. I have a statement for the record and I'd like to speak to that. It's basically an issue that involves the nexus between immigration policy and its impact on a local community.

I represent Guam. My name is Robert Underwood. As a small island of 212 square miles and 140,000 people, Guam is very sensitive to the effects of immigration on our community. We have been confronted with a problem since the implementation of the Compact of Free Association in 1986. By way of background, I'd like to explain a little bit what this problem is.

The Compact of Free Association is an agreement between the United States and the newly independent nations that once were part of the Trust Territory of the Pacific Islands under U.S. administration. Under this Compact, the citizens of these independent island nations are allowed to freely migrate to the United States with no restrictions. They do not need visas, and there are no immigration checks on them, any whatsoever. All they need to do is simply buy a plane ticket. They primarily come to Guam, the closest U.S. soil.

This legal, unrestricted immigration provision in the Compact was negotiated without any input from the people of Guam. The legislation implementing the Compact, Public Law 99–239, included a provision authorizing reimbursement to Guam for the effects of this in-migration. This reimbursement is commonly called Compact Impact Aid. As you might have guessed, while the Federal Government was all too eager to show its generosity in immigration, the same Federal Government developed a severe case of amnesia when it came to funding Guam's reimbursement.

In fiscal year 1995, the first year after 9 years in which Guam received any reimbursement, Congress appropriated $2½ million, while the government of Guam claimed over $12 million in costs for over 8,000 in-migrants, who used the public schools, public housing, medical facilities, and who participate in disproportionate numbers in public assistance programs. Since 1986, Guam has expended over $70 million for educational and social services for these migrants. Since 1986, the grand total of Federal reimbursement has been $2½ million.

Mr. Chairman, many border States complain about the Federal Government's dereliction of duty in enforcing immigration laws. Imagine what the reaction would be in your community when the Federal Government throws out all immigration restrictions, and invites open and legal in-migration with the promise that they will reimburse the cost to your local government. Guam is bearing the brunt of this Federal policy, and Guam is not receiving the resources to cope with the immigration.

If you want a classic case study of a Federal agency shirking its duties, all you need to do is ask the Department of the Interior what it has done to ensure Guam gets reimbursed, as required by law, and then be prepared for a whole train of excuses. They have studied the problem. They have sent bureaucrats to look at the problem. They have gone to Guam. They have got this priority, and they got that priority. While the Department of the Interior muddles through this problem, the immigrants continue to come to Guam.

Mr. Chairman, as you consider legislation to tighten immigration, please keep Guam in mind. Remember, it's not a matter of illegal immigration. Congress made it all legal. It is not a matter of a porous border. The immigrants are not swimming to Guam from their own islands. They are arriving on scheduled airline flights and passing through U.S. immigration at the airport. It is not a matter of authorizing the State or Territory to be reimbursed for this Federal immigration policy. Guam already has authorization in Public Law 99–239. It's a matter of resources and pawning off the problem from the Federal Government to the local government.

So long as the immigrants are on Guam, the bureaucrats in Washington are very comfortable in letting it be Guam's problem, not theirs. I don't know how you can legislate Federal responsibility, but that is all that it takes to solve Guam's immigration problem. Not new laws, not more INS agents, not a new border fence. We don't need a border fence, we have a reef. Just Federal responsibility for its own policy. Thank you.

[The prepared statement of Mr. Underwood follows:]

PREPARED STATEMENT OF HON. ROBERT A. UNDERWOOD, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

Mr. Chairman: Thank you for giving me this opportunity to address the committee on immigration issues. I believe that the committee will be very interested in Guam's unfortunate experience with federal immigration policy.

As a small island of 212 square miles and 140,000 people, Guam is very sensitive to the effects of immigration on our community. We have been confronted with a problem since the implementation of the Compact of Free Association in 1986. The Compact of Free Association is an agreement between the United States and the newly independent nations that were once part of the Trust Territory of the Pacific Islands under U.S. administration.

Under this Compact, the citizens of these independent island nations are allowed to freely migrate to the U.S. with no restrictions—they do not need visas, and there are no immigration checks. They simply buy a plane ticket. And they primarily come to Guam, the closest U.S. soil.

This legal, unrestricted immigration provision in the Compact was negotiated without any input whatsoever from Guam. The legislation implementing the Compact, Public Law 99–239, included a provision authorizing reimbursement to Guam for the effects of this immigration. This reimbursement is called Compact-impact aid. As you might have guessed, while the federal government was all too eager to show its generosity in immigration, the same federal government has developed a case of amnesia when it comes to funding Guam's reimbursement. In Fiscal Year 95, the first year Guam received a reimbursement, Congress appropriated $2.5 million while the Government of Guam claimed over $12 million in costs for over 8,000 immigrants who use our public schools, public housing, medical facilities, and who participate in disproportionate numbers in public assistance programs. Since 1986, Guam has expended over $70 million for educational and social services for these immigrants. And since 1986, the grand total of federal reimbursement has been $2.5 million.

Mr. Chairman, many border states complain about the federal government's dereliction of duty in enforcing immigration laws. Imagine what the reaction would be in your community when the federal government throws out all immigration restrictions, and invites open, legal immigration with the promise that they will reimburse the costs to your local government.

Guam is bearing the brunt of this federal policy, and Guam is not receiving the resources to cope with the immigration.

If you want a classic case study of a federal agency shirking its duties, all you need to do is ask the Department of the Interior what it has done to ensure Guam gets reimbursed as required by law—and then be prepared for a whole train of excuses. They've studied the problem, they've sent bureaucrats to look at the problem, they've got this priority and that priority. And while the Department of the Interior muddles through this problem, the immigrants continue to come to Guam.

Mr. Chairman, as you consider legislation to tighten immigration, keep Guam in mind. Remember, its not a matter of illegal immigration, Congress made it all legal. It's not a matter of a porous border, the immigrants are not swimming to Guam from their own islands, they are arriving on scheduled airline flights and passing through U.S. immigration at the airport. And its not a matter of authorizing the state or territory to be reimbursed for the federal immigration policy, Guam already has authorization in P.L. 99–239. It's a matter of scarce resources, and pawning off the problem from the federal government to the local government.

So long as the immigrants are on Guam, the bureaucrats in Washington are very comfortable letting it be Guam's problem, not theirs. I don't know how you can legislate federal responsibility, but that is really all it takes to solve Guam's immigration problem. Not new laws, not more INS agents, not a new border fence. Just federal responsibility for its own policy.

Mr. BONO. That's very interesting. I was not aware of that. Is this the first time that you have brought it to the attention of the committee?

Mr. UNDERWOOD. To this panel. We have been working primarily through Interior and Interior Appropriations on this issue from a couple of years ago. But basically, the problem is that it's a treaty obligation that the United States engaged in with small nations, which are very few in number, but they are living in a Third World situation.

To give you an example, it costs approximately $300 to come to Guam from a nearby island. But if they have an injury, it's well worth it just to come to the hospital on Guam and fly back. The people of Guam are left holding the bag.

Mr. BONO. Yes. Well, it's truly amazing. It also has the very appearance of an inequity. I am glad you brought it to the committee. You can be sure we will review the testimony.

Mr. UNDERWOOD. Thank you very much.

Mr. BONO. We have that testimony for the record, I presume.

Mr. UNDERWOOD. Who do I give it to? You look official. Thank you.

Mr. SMITH [presiding]. We find ourselves in the unusual position of having no Members of Congress who want to talk. A couple of people are on their way. I think we're actually caught up. If all goes well, Susan Molinari of New York will be up in just about 2 minutes. We understand that she is on her way.

Let me apologize. I know that many people have left. But I have been on the floor with an amendment that I had to offer, and came back as soon as I could. I believe that we will have something close to half an hour before we are interrupted for a vote. So we will just stay here and wait.

If there is anyone in the audience who wants to come up and identify themselves who has something they would like to say, I'll be happy to listen and we can open it up for, in effect, further comments and floor debate. Well, never say we didn't give you a chance then.

Mr. BONO. Mr. Chairman.

Mr. SMITH. Yes. Mr. Bono.

Mr. BONO. Thank you for the opportunity to sit in on your behalf. The testimony is very interesting. I am happy to be on this committee because this is, after hearing more and more testimony, it just points out how out of whack this immigration system or policy that we have now is, and the obligation for you and us to really put this back in order belongs on the frontburner as far as issues are concerned. I just thank you for taking this kind of interest in it and moving forward with it, because it is desperately needed. It is nice to know that it is in good hands. Thank you.

Mr. SMITH. Thank you, Mr. Bono. I appreciate your comments. As I mentioned earlier, particularly individuals such as yourself, who are from California, know firsthand, perhaps better than anyone else, the problem with immigration and the need for immigration reform.

Earlier today, we heard that 43 percent, for example, of the illegal aliens in the United States are in that one State. I might add, it depends on how you count it or how you cut it, but there are five to seven primary immigration States that are the destination of most illegal aliens, as well as most legal immigrants, in fact. In addition to California, we have Texas, Florida, New York, Illinois, New Jersey, and it goes on from there.

But I have also found that even States that do not have a high number of legal or illegal immigrants have great concerns about the problem. As I have said before, it was just amazing to me, I was at a luncheon a week before last and the mayor of a small town in northwestern Arkansas came up to me and said, "Let me tell you about our immigration problem." It was a situation where he was convinced individuals who should not be in this country were costing the taxpayers, because of education, because of benefits, and because of services that the town was being required to provide.

So I know that when immigration problems reach the point that small towns in northwest Arkansas are having problems, then I can imagine what States like California must have in the way of problems.

Yes, sir. Would you come up here and identify yourself to us.

I have explained to an individual who would like to make some comments that we are happy to hear from him. This is Dan Clark from southern California, from San Diego, in fact. I have also explained and Mr. Clark understands, that when we have a Member arrive for testifying, we'll need to defer to that Member. But meanwhile, we'd be happy to hear from you.

STATEMENT OF DAN CLARK, SAN DIEGO, CA

Mr. CLARK. I want to thank you, Mr. Chairman. I don't plan to take that much time. I just want to thank you very much for doing something. It looks like you are heading in that direction. We need all the help we can get. I am in the 50th District. My area actually bumps into the Tijuana border. We are your front line of defense. I really want to thank you for looking into this thing and showing us that you are really trying to do something. I am going to go back, I am just up here to visit to see how things work, and to see if you are really doing your job. I'll be going back to tell the folks that you are trying to get this thing taken care of.

We really are impacted. As you probably had, I think it was Brian Bilbray who came up here. Congressman Bilbray is trying to do everything he can. I think he's pretty well projected what our problem is. Our districts are very close together, very knitted.

Again, from us down there in the 50th, thank you very much for trying to do something. Let's get the job done quick. Thank you.

Mr. SMITH. Mr. Clark, thank you for your comments. I am appreciative of your being willing to step forward. As you said, you are in fact at the front lines. You see firsthand, as probably few people see, the problems with illegal immigration. I appreciate your being here today. Obviously you had a great interest, or you wouldn't have come to this hearing. Maybe it's a bit of a surprise to you to get to be a member for a couple of minutes, but this is participatory democracy at its best. We appreciate you being here.

If you will stay right where you are, I want to recognize Mr. Bono, who also might have a question or a comment.

Mr. BONO. Yes. I appreciate your attitude on this issue because it is a problem. I like to point out over again and again, that nobody really wants to be a bad guy. It is not a question of being a nice person or a bad person. It's a question of survival now. There just isn't that kind of room for everybody, for us to oblige illegal immigration to the degree that we have in the past. I agree with you totally. It has to be jumped on and jumped on pretty soon. So I am glad you came forward and pointed it out as a citizen. I appreciate it.

Mr. CLARK. Thank you, sir. I also want to tell you that it really impacts us. The schools, the hospitals, well, you already know.

Mr. SMITH. Mr. Clark, if you will stay where you are—I realize that you are not an official witness, but you do have a lot of real-life experience and you obviously have an interest in the political system. You have been a candidate yourself or are a candidate.

Mr. CLARK. I am a candidate for the 50th District.

Mr. SMITH. Am a candidate. OK. I won't ask you anymore than that. We don't need to go beyond that. What I am interested in is

your opinion. What I'd like to do is ask you a couple of questions, just to see what you think.

When it comes to securing the border, do you have any feel for whether we need to double the number of Border Patrol agents or whether that's the problem or not. Is it a problem of management? Is it a problem of getting the Border Patrol agents that we have now to the border? Or is it a question that we don't have enough numbers?

Mr. CLARK. No, sir. I perceive the whole thing differently than a lot of folks. I think we ought to bring back something like the bracero program. I really believe that's the way to do it. People have a right to work. We have right to contract folks to come in here. I think the folks, when they come to work for us, they should be treated with some kind of respect, to know that they are coming over to do their work. We are trading our money for their work. They should be able to go home with dignity. I think that that's what is important, is treating the folks with dignity. The bracero program was a very good program, as far as I understand it. I am too young to say I knew how it worked. But from what I have read, it was a good program—yes, Mr. Bono, I was.

Mr. SMITH. Mr. Clark, thank you for your comments today. We appreciate your being with us all afternoon.

We will go now to our next witness who has just arrived. That is Susan Molinari from New York. Susan, welcome. We are looking forward to your testimony.

STATEMENT OF HON. SUSAN MOLINARI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. MOLINARI. Thank you, Mr. Chairman. I will make it brief because I know this has been a long day for all of you. I thank you for giving us a forum for Members to discuss this important issue of immigration reform. It is my pleasure, as you know, to serve on the Congressional Task Force on Immigration Reform under the leadership of Representative Gallegly. Now I am going to take part in the Deportation Working Group, which is going to be chaired by Representative Condit.

At a time when Congress is examining how each Federal dollar is spent, immigration policies clearly cannot escape the fine toothcomb. As a member of the Budget Committee, I have had to make, as we all have, some very difficult choices to end or scale back programs that assist urban areas, for example, in response to similar cuts in agriculture programs.

In the past few weeks, I have been encouraged by my constituents—whether they are seniors, families, or students—who are willing to do what they need to do to balance the budget. The most important issue to them however, is fairness. Americans do not want to drain our increasingly scarce Federal dollars to pay for illegal immigrants, in particular, which clog our jails and collect unlimited welfare benefits. That is a grave program in the city of New York.

We are all descendants of immigrants. We want our immigration policies to encourage people to come to the United States for the right reasons and to be self-sustaining. The way it used to be, frankly. It is amazing to me that constituents will come up to me

on the streets to say just that. "I am willing to do my share. I am willing to take my hit. I am willing to do all I have to to balance the budget. But frankly, don't allow a group of individuals to be entitled to something that I or my children are not entitled to."

Federal immigration policies have placed a tremendous financial and social burden on many cities and States in the United States, but especially on the State and city of New York. In April of this year, my local New York paper, the Staten Island Advance, ran a series of articles documenting the costs and benefits of our current immigration system on my home borough. Constituents and local officials referred to illegal aliens, especially those committing crimes once they have arrived here, as "a drain on our Nation."

It is no surprise to you, and I know most of the people that have come before you, which is why I really wanted to testify here today, talked about the border problems. I want to just talk a little bit more about the urban problems. It is no surprise when you consider that it has been estimated that there are almost 500,000 illegal aliens in New York State alone. Over 80 percent who reside in New York City. During the time of financial challenges in communities across this country, illegal immigration has put added pressure on education, social services, housing, and criminal justice budgets. Again, Mr. Chairman, those are the illegal immigrants that come into New York City and New York State.

While the continued buildup of Border Patrol is very important in preventing illegal immigration, and I support that in every budget item in the appropriations process and authorization process that we have been through, studies have shown that nearly half of illegal aliens cross the border legally with visas, and then become illegal by failing to leave once their visas expire. For example, the INS has reported that in 1991, over 300,000 visitors overstayed their visas, and over a year later were still unaccounted for. A mechanism must be put in place, making it a priority for our country to trace these individuals.

New York taxpayers have seen valuable and scarce financial resources being directed toward illegal aliens, but especially, and most I think disconcerting, in the area of criminal justice. One in eight foreign born prison inmates in New York is a criminal alien. This number is estimated to rise in one in six by the year 2000.

Mr. SMITH. Did you say one in eight?

Ms. MOLINARI. Yes.

Mr. SMITH. OK.

Ms. MOLINARI. In addition, it is going to cost New York State about $63 million this year to incarcerate our illegal population. Just 1 year. Despite the staggering numbers, the most immediate concern in the area of immigration reform is recognizing the failure of the Federal Government to deport criminal aliens.

This criminal alien population, which has an extremely high rate of recidivism, can be curbed by simply improving deportation procedures, thus saving our local communities millions of dollars by providing them with much more safety. It also frees up desperately needed jail space. You know, we spent a considerable amount of money in our last crime bill, talking about how we are going to build more prisons under both the Democrat bill last year, and the Republican bill this year. In a city and State like New York, we can

almost solve our prison overcrowding system if the Federal Government does what it needs to do to get these criminals and deport them.

While criminal aliens are caught and this is really the frustrating part that urban INS agent talk about, when they are caught and asked to appear for a hearing, they usually will not show up for their court date and are unable to be tracked down because of this. The most important thing we can do when we rewrite our immigration laws is to focus on improving, number one, detention, and second, deportation, to prevent further criminal activity. This will be cost effective, and it makes our streets safer.

I know my time is up. Let me just say that clearly the Republican crime bill went a long way toward making some very necessary changes in terms of restitution to the States and the cities, and for improving these deportation procedures. But the fact shows that criminal aliens in New York State are more likely to be convicted of drug offenses and serious offenses than inmates born in the United States. This concerns me greatly, considering the neighborhoods that I represent.

So let me just conclude by saying that I look forward to working with this subcommittee to keep deportation orders in force. I look forward to working with our special task force, to make sure that we can put forth legislation that deals with the Border Patrol problem, but also for those communities that are impacted by people sometimes who entered through the airports and through the ocean. Thank you.

[The prepared statement of Ms. Molinari follows:]

PREPARED STATEMENT OF HON. SUSAN MOLINARI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

I would like to thank Chairman Smith and the Members of the Immigration and Claims Subcommittee for providing a forum for Members to discuss the important issue of immigration reform. It is my pleasure to serve on the Congressional Task Force on Immigration Reform, under the leadership of Representative Gallegly, and to take part in the Deportation Working Group, chaired by Representative Condit.

At a time when Congress is examining how each federal dollar is spent, immigration policies cannot escape the fine toothcomb. As a member of Budget Committee, I have made difficult choices to end or scale back programs which assist urban areas in response to similar cuts in Agriculture programs. In the past few weeks I have been encouraged by my constituents—seniors, families and students alike—who are willing to do what it takes to balance the budget. The most important issue to them in the budget process is fairness. Americans do not want to drain our increasingly scarce federal dollars to pay for illegal immigrants which clog our jails or collect unlimited welfare benefits. We are all descendants of immigrants and want our immigration policies to encourage people to come to the U.S. for the right reasons and to be self-sustaining.

Federal immigration polices have placed a tremendous financial and social burden on many cities and states in the United States, but especially on the State and City of New York. In April of this year, my local New York City newspaper, The Staten Island Advance, ran a series of articles documenting the costs and benefits of our current immigration system on my home borough. Constituents and local officials referred to illegal aliens, especially those committing crimes once they arrived here, as "a drain on our nation."

This is no surprise when you consider that it has been estimated that there are almost 500,000 illegal aliens in New York State, over eighty percent of which reside in New York City. During this time of financial challenges in communities across this country, illegal immigration has put added pressure on education, social services, housing and criminal justice budgets.

While the continued build-up of border patrol is important in preventing illegal immigration, studies have shown that nearly half of illegal aliens cross the border

legally with visas and become illegal by failing to leave when their visa expires. For example, the INS has reported that in 1991 over 300,000 visitors overstayed their visas and a year later were still unaccounted for. A mechanism must be put in place making it a priority for our country to trace these individuals.

New York taxpayers have seen valuable and scarce financial resources being directed toward illegal aliens, especially in the area of criminal justice. One in eight foreign-born prison inmates in New York is a criminal alien and this number is estimated to rise to one in six by the year 2000. In addition, it will cost New York State about $63 million to incarcerate our illegal population this year.

Despite these staggering numbers, the most immediate concern in the area of immigration reform is recognizing the failure of the federal government to deport criminal aliens. This criminal alien population, which has a high rate of recidivism, can be curbed by improving deportation procedures, thus saving our local communities millions of dollars while providing them with just that much more safety.

When criminal aliens are caught and asked to appear for a hearing, they usually will not show up for their court date and are unable to be tracked down because of this. The most important thing that we can do when rewriting our immigration laws is to focus on improving the detention and deportation process to prevent future criminal activity. We must take action now to make our streets safer.

New Yorkers applauded the additional funds which will be allotted for criminal deportation and incarceration passed by this committee and the House as part of the Contract With America. In addition to increased prison space, the Republican crime bill will allow New York City to free up the money it spends on processing illegal aliens who commit crimes to fund other crime fighting activities. The bill fully funds the State Criminal Alien Assistance Program, which assists states in the incarceration of criminal aliens. While this legislation is a great beginning, there is much more that needs to be done in this area.

The facts show that criminal aliens in New York State are more likely to be convicted of drug offenses and more serious offenses than inmates born in the U.S. These aliens pose a major threat to American citizens and the deportation process must be reformed to take into consideration the rights of lawful citizens. For the same of New Yorkers and all Americans, these reforms cannot come too soon.

The social and financial costs to New York State and New York City will continue to mount unless action is taken to streamline the deportation process and to keep deportation orders in force. I look forward to working with this subcommittee and with the Deportation Working Group to formulate policies which create a system that fosters legal immigration while quickly responding to illegal and criminal activities.

Mr. SMITH. Thank, you, Susan. Let me thank you not only for your comments, but also for your work and energy that you are devoting to the two task forces that you are a member of that deal with immigration problems.

Ms. MOLINARI. It's a big problem. Thank you.

Mr. SMITH. You mentioned the special problems of urban areas, which sound an awful lot to me like the special problems that we have in rural areas and along the border as well, particularly, you mentioned crime and welfare.

The crime situation, and you are exactly right, across the country today, 25 percent of our Federal prisoners are now criminal aliens.

Ms. MOLINARI. Is it that high? Nationwide, I didn't realize that.

Mr. SMITH. Which is many times their proportion of the population. I also wanted to ask you about something not in your district, but close to it which indicates the problem.

Several years ago, maybe 3 years ago, 25,000 people landed at J.F.K. Airport, claimed asylum when they got off the plane, even though they had to have visas and legal documents when they boarded the plane. They are told to show up for their hearing months later, and of course very few are ever seen again, which is one of the problems that I think you mentioned, the visa overstayers.

Ms. MOLINARI. Yes.

Mr. SMITH. Being part of the problem as well.

Ms. MOLINARI. Absolutely. There has also been some discussion of putting officers and judges who can make those determinations in the airports. I don't know what the cost factor is, Mr. Chairman, but that that would provide for an immediate deportation. Clearly, we have got to close the loophole between trying to provide for some sort of due process for these individuals, but also acknowledging that our history tells us we necessarily can't trust these people when we say, "Here's the ticket. Come back in 6 or 8 months."

Mr. SMITH. Both in regard to those individuals, and also, particularly the criminal aliens themselves, every dollar we spend I am convinced saves us not just $10, but probably $100, particularly with what you referred to, the expedited deportation of criminal aliens.

Ms. MOLINARI. Absolutely.

Mr. SMITH. That is something else we agreed upon. I appreciate both you pointing out the problems and also suggesting solutions.

Ms. MOLINARI. Well, thank you for the work that this committee is doing on that.

Mr. SMITH. Thank you. Let me recognize Mr. Bono, to see if he has any comments or questions.

Mr. BONO. Well, thank you for your testimony. Just one question. Chairman Smith asked someone else, "How do you see the INS in all this right now?" Do you think that—they have most of the burden and most of the job. Do you think they are handling that job or there's a big hole there?

Ms. MOLINARI. Well, I can go on for days on this. I'll try and keep it very short. I think that there is a major problem at the INS. No. 1, I think one of the problems that comes up quite frankly, particularly I think in an urban area like New York, is that our agents are asked to do undercover work and do criminal work. Then they are called off in order to then process and do adjudication. A New York City Police Department, if you talk to them, will tell you they will not do investigations with INS agents, because they can get three-quarters of the way through a case, and then all of a sudden, INS thinks they need him for paperwork. I believe very strongly, and frankly, Congressman, I had a bill in to deal with this, we must separate out INS agents from the rest of the Department.

The other thing is, there is a tremendous morale problem at INS. When we have a dress code in the city of New York for INS agents to go undercover, there is a big problem. When I talk to INS agents who are being written up because when they go into jails, they are told to remove their ties because it's protocol, and then they get written up again because their supervisor finds out that they don't have a tie. There is a big morale problem. So we're No. 1, not using our agents well.

No. 2, I've got to tell you, from where I come from, Congressman, there are a lot of people there who have just really lost their heart and soul because it is a little difficult to tell somebody who is undercover that perhaps if they go with a gray jacket and a blue pair of pants that they can make a drug buy. That's really where they are today.

Mr. BONO. It is nice that you have gone into such detail. Maybe you can help me. My impression from the testimony that I have heard from the INS is that there just isn't a policy.

Ms. MOLINARI. Catch as catch can. Yes.

Mr. BONO. Spitball kind of a deal. I think that with all of this immigration if we don't reform the INS and spell out what their job is and what their policy is, that they are asking for more money as usual, and it's throw more money at the problem. But the problem doesn't seem to go away.

The other thing that, as a business man and as a restaurateur, I found them insensitive to an employer. If we fill out paperwork incorrectly, we can be fined. If a document is duplicated perfectly, we can be fined. It is our responsibility. There's no way of giving them interpretation to a document. For me, there's major holes there. That is not going to solve this problem, but I am glad you gave the testimony you did.

Ms. MOLINARI. Well, I'd like to speak to you at greater length about this, Congressman, because as I said, this is something we have tried to work on in terms of defining responsibilities so there is some sense of consistency of purpose, particularly for the INS agents, who are having a difficult time right now on this rather schizophrenic arena that we have placed them in.

Mr. BONO. Thank you.

Mr. SMITH. Mr. Bono, excuse me. Are you finished? I didn't mean to interrupt you.

Mr. BONO. Yes, sir.

Mr. SMITH. Ms. Molinari, thank you very much for your testimony and I appreciate again your comments.

Ms. MOLINARI. Well, thank you. I look forward to working with you. Thank you, Mr. Chairman, for giving us this opportunity today. Thank you.

Mr. SMITH. We have two other Members present. Mr. Owen Pickett of Virginia is coming to the table now. We appreciate you being here. Patsy Mink from Hawaii will be next.

STATEMENT OF HON. OWEN B. PICKETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. PICKETT. Thank you, Mr. Chairman and Mr. Bono. I appreciate you all giving me the opportunity to speak in support of H.R. 745. H.R. 745 was introduced so that non-U.S. NATO civilian employees would be treated the same as civilian employees of all other international organizations located in the United States. There are approximately 60 non-U.S. civilians employed by NATO in my district of Virginia. These civilians are divided between the Allied Command Atlantic in Yorktown and the headquarters of the Supreme Allied Commander Atlantic, SACLANT, in Norfolk.

The civilians and their dependents, combined it's about 132 people, are from eight NATO nations. They are issued a NATO–6 visa, and most are employed on contracts of indefinite duration. Under the terms of their visa, they are considered nonresident aliens and can only remain in the United States as long as they continue to be employed at ACLANT or SACLANT. The dependent children of these civilians are not allowed to retain the NATO–6 visa after at-

taining the age of 21, except that children who are full-time students, may retain the visa until age 23.

The dilemma facing a number of these families is that their children come to the United States at elementary school age and never experience the lifestyle of their country of origin. They acquire educational qualifications and experiences unique to the United States. Under present legislation, when these children graduate from high school or college, the family is forced to break apart because the children must leave the United States.

A similar situation faces NATO employees upon retirement. The civilian and his or her spouse are unable to retire into the community that has become their home after their years of service to NATO in the United States.

Until 1990, this problem confronted employees of all international organizations located in the United States. Amendments to the Immigration and Nationality Act passed in 1990 and 1994 resolved this situation to a large degree for G–4 visa employees of international organizations and their dependents. These amendments provided G–4 visa holders with the opportunity to obtain special immigrant status for adults if they had lived in the United States for 15 years, and for children if they have lived in this country for 7 years. The provisions of these amendments apply to non-U.S. civilians employed by all international organizations located in the United States except NATO.

Presently, there is no Executive order that defines NATO as an international organization in the United States, and due to their NATO status, additional legislation is required to enable NATO civilians to benefit from the privilege accorded to G–4 visa holders, such as employees of the United Nations.

The SACLANT administration has consulted the Assistant Secretary of Defense, Foreign Military Rights Affairs, the State Department, and the Immigration and Naturalization Service, and it has been concluded by them that this issue can best be resolved by legislation to further amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of other international organizations.

H.R. 745, the NATO Special Immigration Act of 1995 has been introduced for this very purpose. This initiative is fully endorsed by the NATO headquarters, and it's urgently needed to redress what is regarded as a distressing situation for employees working for the collective security of all NATO organizations.

I request you give favorable consideration to the provisions contained in H.R. 745 to allow non-U.S. civilians employed by NATO and the dependents of these people, the privilege of special immigrant status, which is enjoyed by those employed by all other international organizations in the United States.

I might add, Mr. Chairman, this is a very small group of people we are speaking of here. All of these people are highly educated, highly trained. They work in very sensitive positions at the NATO headquarters in Norfolk, VA. I think it's an oversight. I would urge you to give favorable consideration to this change.

[The prepared statement of Mr. Pickett follows:]

PREPARED STATEMENT OF HON. OWEN B. PICKETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman, H.R. 745 was introduced so that non-U.S. NATO civilian employees would be treated the same as civilian employees of all other international organizations located in the United States.

There are approximately 60 non-U.S. civilians employed by NATO in my district in Virginia. These civilians are divided between the Allied Command Atlantic Communications Logistic Depot (ACLANTCLD) in Yorktown and the headquarters of the Supreme Allied Commander Atlantic (SACLANT) in Norfolk.

The civilians and their dependents (a total of approximately 132 persons) are from eight NATO nations (Belgium, Canada, Denmark, Germany, The Netherlands, Norway, Turkey, and the United Kingdom). They are issued a NATO–6 visa and most are employed on contracts of indefinite duration. Under the terms of their visa they are considered non-resident aliens and can only remain in the United States as long as they continue to be employed at ACLANT or SACLANT. The dependent children of these civilians are not allowed to retain the NATO–6 visa after attaining the age of 21. However, children who are full time students, may retain their visa until age 23.

The dilemma facing a number of these families is that their children come to the United States at elementary school age and never experience the lifestyle of their country of origin. They acquire educational qualifications and experiences unique to the United States. Under present legislation, when these children graduate from high school or college, the family is forced to break apart, because the children must leave the United States.

A similar situation faces the NATO employee upon retirement. The civilian and his or her spouse are unable to retire into a community that has become their home after their years of service to NATO in the United States.

Until 1990, this problem confronted employees of all international organizations located in the United States. Amendments to the U.S. Immigration and Nationality Act passed in 1990 and 1994 resolved this situation to a large degree for G–4 visa employees of international organizations and their dependents.

These amendments provide G–4 visa holders with the opportunity to obtain special immigrant status for adults if they have lived in the United States for 15 years, and for children if they have lived in this country for 7 years, based upon certain conditions. The provisions of these amendments apply to non-U.S. civilians employed by all international organizations located in the United States except NATO.

Presently, there is no Executive order that defines NATO as an international organization in the United States, and due to their NATO status, additional legislation is required to enable NATO civilians to benefits from the privilege accorded to G–4 visa holders, such as employees of the United Nations.

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H.R. 745, the NATO Special Immigrant Acts of 1995, has been introduced for this purpose. This initiative is fully endorsed by NATO headquarters, and is urgently needed to redress what is regarded as a distressing situation for employees working for the collective security of all NATO organizations.

I request that you give favorable consideration to the provisions contained in H.R. 745 to allow non-U.S. civilians employed by NATO and their dependents the privilege of special immigrant status, which is enjoyed by those employed by all other international organizations in the United States.

Your attention to this matter is appreciated.

Mr. SMITH. Mr. Pickett, thank you for your testimony. I have to admit, I see your bill and the reason for your bill, as being an argument for fairness. You are simply saying that, long-time NATO employees should be able to become legal permanent residents just as long-term resident employees of, for example, the U.N. Is that correct?

Mr. PICKETT. That's it, Mr. Chairman.

Mr. SMITH. Do you have any idea how many people would be impacted by your legislation? How many individuals would be eligible to become legal permanent residents?

Mr. PICKETT. If all of the people here and their dependents were to apply at one time, which they won't, because not all of them are going to want to go this route, there's 132 at the present time. They are all wonderful people. They are highly educated, highly skilled. Most of them work in very sensitive security positions at NATO headquarters in Norfolk, VA.

Mr. SMITH. Well, they are fortunate to have you go to bat for them. Mr. Bono.

Mr. PICKETT. The results will determine that, Mr. Chairman.

Mr. BONO. I just want to say I feel the same way, Mr. Chairman.

Mr. PICKETT. Thank you very much. I appreciate it.

Mr. SMITH. OK. I guess we have no other questions. Thank you, Mr. Pickett for being here today.

Mrs. Mink, will you please come forward and we'll look forward to hearing your testimony as well.

STATEMENT OF HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mrs. MINK of Hawaii. Thank you very much, Mr. Chairman, Bono. I appreciate the opportunity that you are affording Members to come in to this forum and to discuss some of their concerns about immigration policy.

I am here today to talk about two particular personal experiences that I have had in dealing with constituent problems. The first concern I have has to do with what I regard to be a highly discriminatory policy which is now in place. It particularly affects the individuals living in southeastern Asia and South American countries. It impacts upon low-income individuals, who are not being treated equitably under the U.S. laws, as I see it.

Individuals coming from these countries are scrutinized much more closely and certainly not for national security reasons, but because of their national origin. For some reason, low-income individuals are automatically determined to be risks in so far as their stay in the United States and are arbitrarily denied entry. As a consequence, many are not permitted to enter the United States as tourists or under visas which are strictly a visitor's visa.

The reason that these families come to our offices for relief is that someone in the family is terminally ill, about to die and wishes to see their family from the Philippines, which is the main source of my problem. Or some loved one has died, and the family very much wishes to have a family member come to Hawaii or the United States to attend the funeral. We immediately try to assist the family in submitting their applications for a visitor's visa.

They proceed to the U.S. Embassy and after preliminary questioning, are told that they are not allowed to receive such a visitor's visa or tourist visa, solely on account of the fact that they do not have the necessary assets, the financial resources which would indicate to the Embassy and other officials that they would likely return.

I find this an especially egregious form of discrimination against these individuals. I have tried in various ways to appeal on human-

itarian grounds or other basis, to get the U.S. Government officials to change their decisions, but they will not. This strikes me as an especially cruel and heartless policy to deny a 30-day visit or whatever to these individuals, whose family members are in a period of hardship or of mourning.

I brought this matter to the previous Congress and introduced a bill referred to the Judiciary Committee, which through subcommittee action and full committee concurrence reported the bill to the floor. It was of course opposed by the State Department and others. For some reason, it was never brought to a vote on the floor. I intend to introduce that bill again, as it was amended by the Mazzoli amendment.

I come again to this committee to express my deep consternation that this continues to be a way of discriminating against people of lesser economic circumstances. Basically, the questions they simply ask are, do you own your own home, do you have your own business, and how much do you have in your bank account. If if doesn't meet the criteria set by the Embassy, they are denied the visitor's visa. I find that very, very difficult to accept.

The second issue that I wanted to raise is one that has come to focus because of the welfare bill that passed the House of Representatives. In it, we provided special penalties against legal immigrants who are in the United States. The bill denies legal immigrants access to various governmental assistance programs, even though they are legally here. I understand that a good part of your concerns are dealing with the illegal immigrants, but I am here to talk about the legal immigrants and the special problems that have been placed on them as a result of the welfare bill.

One of the areas that I find that needs to be dealt with very, very seriously is how do you become a citizen. The responsibilities of this committee go from immigration to naturalization. The hardships of naturalization have been expounded upon, I'm sure, to a great extent. The long time that it takes and the delays and the inadequacy of the procedure. We are told that in some areas, the wait is well over a year before they are called to be sworn in.

While some of those problems may be remedied by additional staff and additional attention to the new demands for naturalization, which may very well be taken care of by the appropriations bill, I want to site one problem. That has to do with minors. Children that have come accompanying their parents as legal immigrants, who are not able on their own volition, on their own decision, to apply for citizenship. They are deemed to be attached to the portfolio of their parent. Therefore, until they are 18, they are not able to exercise that decision to become a citizen and to go through the naturalization process.

As a consequence, penalties that may fall upon their parents, who decide to remain a legal alien and not apply for citizenship, will automatically befall on the child for no valid reason. So I am hoping that this committee will look at this issue very closely.

My suggestion, and I'm hoping to put in a bill very shortly, would be to allow children to apply for naturalization at age 13 and older. I chose 13 because the Judiciary Committee in its crime bill, set forth various kinds of criminal sanctions against children 13 years and older. Since the assumption made in the crime bill is

that at 13 they were cognizant enough of their moral obligations to society, I felt that this is an appropriate age also to allow minors to declare their willingness to uphold and sustain and assume their responsibilities as citizens of this country.

So I hope that you will consider this as a serious issue that can be solved by action of this committee.

[The prepared statement of Mrs. Mink of Hawaii follows:]

PREPARED STATEMENT OF HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Chairman Smith and Members of the Subcommittee, thank you for the opportunity to participate in this Members', forum on immigration and provide input on the future direction of immigration policy in this country.

My greatest concern regarding U.S. immigration policy is the fact that our policies are often implemented on a very discriminatory basis. Individuals from certain countries, most often Southeast Asian and South American countries, and low-income individuals are denied equitable treatment under U.S. immigration law. Individuals from these countries are scrutinized more closely, not for national security reasons, but simply because of their national origin. Low income individuals are automatically determined to be a risk for illegal immigration activity, without any regard for their personal character, circumstances or necessity to enter our country. These individuals often cannot even obtain permission to enter this country temporarily to attend a funeral or visit a seriously ill family member.

The most egregious examples I have encountered are cases in which family members from other countries are denied entry into the United States to attend the funeral of an immediate relative simply because of their country of origin and the level of scrutiny the embassy wishes to exert on these individuals.

Under current provisions of the law, individuals can petition for a tourist visa to enter the United States to attend the funeral of a family member. Individuals from certain countries receive greater scrutiny. Most of the cases in my district involve relatives who live in the Philippines. I have observed that nine times out of ten family members from the Philippines are categorically denied the chance to attend the funeral of a family member in the U.S., visit a terminally ill parent or child, or attend a wedding.

They are not allowed to enter, solely because they are poor, have limited assets and therefore are automatically deemed to have no ties that compel them to return to their country. Immigration policy that welcomes the rich, but blocks the poor, from entering the U.S. to attend an immediate family member's funeral must not be sustained.

This discrimination against individuals from certain countries, against the poor and the disadvantaged, must end. To outright deny someone the ability to travel to the funeral of a loved one is cruel, heartless, and goes against our long held immigration policies based on humanitarian relief and family reunification. It is hard enough to learn of the death of loved ones, thousands of miles away, but to then face obstacles in attempting to attend funeral services is something no one should have to endure.

In the 103rd and 104th Congress I introduced legislation to establish a more uniform, nondiscriminatory process that allows individuals to enter the U.S. for 30 days to attend a funeral of an immediate family member. The full Judiciary Committee approved the bill in the last Congress, but the full House did not consider it. I plan to reintroduce this legislation and hope this subcommittee will act quickly and favorably on this bill.

Another concern I would like to share with the Subcommittee involves the impact on children of the proposed policy changes in federal assistance.

The Republican welfare bill, The Personal Responsibility Act, proposes a significant departure from current policies by denying legal immigrants eligibility for four important assistance programs—Medicaid; Supplemental Security Income (SSI) for the Aged, Blind and Disabled; Food Stamps and Aid to Families With Dependent Children. This is especially unfair considering current conditions of the immigration system, which includes a significant backlog of naturalization cases.

There is great need for increased naturalization efforts. According to Office of Management and Budget Director Alice Rivlin, the Administration seeks augmented discretionary funds for promotion, adjudication and related naturalization programs. Congressional support for additional funding is vital to relieve the tremendous backlog, which at the beginning of this fiscal year was 338,445 cases.

The number of persons seeking naturalization in this country roughly doubled from 1990 to 1994. Most of these people, and many that came before them, will inevitably continue to face a prolonged and anxious wait for their cases to advance. Knowing that most of these cases involve the extended family of U.S. citizens, it is extremely unfair to subject them to such a lengthy process. In Hawaii, it takes 90 days from the filing of a petition for an individual to obtain an interview, plus an additional 60 days from petition approval to the swearing-in ceremony. In the worst case in San Diego, California, it takes 270 days to obtain an interview and another 540 days to be sworn in.

A double inequity meets the minor children of these immigrants. These children are forbidden to naturalize on their own behalf until they reach age 18, or if their parents do not or cannot naturalize. Alien children must derive citizenship from their parents. They may not petition on their own accord.

If legal permanent residents cannot receive benefits, these innocent children will be denied federal benefits categorically in times of extreme and unexpected need. Should a child unable to naturalize become blind or have a severe disability, he or she will not under the House-passed welfare bill be eligible for SSI. Similarly, many immigrant children will be denied health care services under Medicaid.

Children are also forced to suffer the consequences of their parents' wrongdoing. Should a child's parents be unable to naturalize because they have transgressed the law, the child will be barred from deriving citizenship and would again be denied any federal assistance. These children whose families cannot afford to feed them or provide child care are put are risk. It is unjust and inhuman to punish children for the problems of their parents.

To solve this dilemma for these innocent children, those who are 13 years of age and older should be granted the freedom to petition for naturalization on their own behalf. As in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322), it was decided that children are cognizant enough of their moral obligations to society and may be prosecuted on federal lands for certain violent crimes by age 13. Thirteen-year-olds, if punishable by law for crimes of violence, should be allowed to naturalize on their own.

It is callous to ignore the fact that many children will irreparably suffer if they are denied the security of a safety net. It is an even greater tragedy when one considers that study after study has discovered that while immigrants are slightly poorer economically than the average American, their children—second-generation Americans—after having the benefits of education and economic opportunity, far surpass their parents in earning ability and taxes paid.

I urge the Members of the Subcommittee to reform the current immigration system to resolve these inequities. I look forward to working with the Subcommittee in this significant effort.

Mr. SMITH. Mrs. Mink, thank you for raising those good questions. I'll offer a couple of explanations, but also agree with you that I think we ought to do everything we can to enhance naturalization. One of the things I am concerned about in the United States today is that our naturalization rates are about 40 percent, which is to say that 60 percent of the individuals who are eligible to become citizens, intentionally choose to maintain their loyalty and allegiance to another country. I do not think that is good for our country. It sounds like you would agree with that. So I would like to increase those naturalization rates, and make it as easy as possible for someone to become a citizen.

To the extent that we can encourage the INS to change their procedures or get them additional resources, personnel or otherwise, to do so, I agree with you. I think that that would be a good idea.

You mentioned two other subjects. One was the welfare bill that did not give benefits to legal immigrants who are in this country. I was just going to point out that 70 percent of those individuals come in under what's called the family preference. They are sponsored by family members already in the United States who signed an affidavit saying that they will be financially accountable for the immigrant who they are bringing into the country. Unfortunately, that is not enforced. In fact, the courts have ruled it is not enforce-

able. If we do get that enforced, then we should have an accountability structure set up so that individuals who are swearing that they will be financially responsible, are in fact just that way for the immigrants that they bring in.

As far as the hardship cases go, it seems to me that we ought to make it as easy as possible to give a short-time temporary visa to individuals who are coming over here because of the death of a family member or for other reasons. I do know that, as you say, they often times scrutinize individuals who can't point to reasons that would encourage them to return to their home country. The problem with many of the countries in Asia and in fact in Central and South America, is that they have an incredibly high visa overstay rate. As a result of the history of individuals coming from those countries and overstaying their visa, that tends to make the INS and related agencies be a little bit strict as far as whom they admit.

Lastly, just to point out one fact that I think you are aware of, while there may be stricter scrutiny of individuals from certain parts of the world who are coming in for various reasons, over all, two-thirds of our immigrants today come from Asia and Mexico and Central and South America. So I don't think there is a prevailing discrimination against individuals from those parts of the world, because our immigration has totally changed in the last generation. Two-thirds used to come from Europe. Now two-thirds come from these countries that I just mentioned and that you were concerned about.

So I think that where there is a heavier scrutiny than normal, it's directed toward the individual, not necessarily toward the country involved, since we are so generous with many of those countries.

But I agree with you, if there's a legitimate hardship case, and I have worked on them myself, I just can't believe we are not erring on the side of expressing a humanitarian instinct. Anytime you run across an individual situation like that, let me know if I can be of any help.

Mrs. MINK of Hawaii. I as willing at the time the bills came up before the subcommittee to agree that for these visitor visas, where there is a reluctance to allow them to come in on a tourist visa to attend a funeral, that the family, the U.S. citizen family on this side, could be asked to put up a financial bond, which would be forfeited if the individual didn't get on the plane within 30 days. I mean, it just seems to me that the Government has been unwilling up to now to even consider the ramifications of this problem, the tremendous hurt and deep feelings that these families carry with them when they can't get their parents in to attend a funeral or something of that kind.

Mr. SMITH. I'll recognize the gentleman from California, Mr. Bono.

Mr. BONO. Thank you. I think your notion of putting up a bond should be a solution. I think you are aware of the problem also, but to have a problem and offer a solution is the way to handle the situation. I would be all for something like that.

Mrs. MINK of Hawaii. I appreciate that.

Mr. BONO. Where we would recognize that a problem exists, recognize that it needs a solution, and handle it, I think that's the best way to look at all these issues. So I appreciate you going into that kind of scrutiny.

Mrs. MINK of Hawaii. Well, since the bill, I intend to introduce with some of these changes from what it was in the previous Congress is coming to the subcommittee, I hope that it will be considered.

Mr. BONO. I support your effort.

Mrs. MINK of Hawaii. Thank you very much. Thank you, Mr. Chairman

Mr. SMITH. Thank you, Mrs. Mink. We have two other Members of Congress, I was going to say on their way, but I see one has already arrived. Tony Beilenson, from California, is here. Tony, welcome. We look forward to your testimony.

STATEMENT OF HON. ANTHONY C. BEILENSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BEILENSON. Thank you, Mr. Chairman.

Mr. SMITH. Californians seem to be dominating the process.

Mr. BEILENSON. There's a reason. Mr. Chairman, I don't know if you have a copy of my testimony. I guess you didn't ask for it. But anyway, we'll make it available to you.

Mr. SMITH. OK. Great.

Mr. BEILENSON. I'll just take about 4 or 5 minutes, if I might. I want to start off by telling you that I do appreciate the opportunity to testify in support of what I believe is the most important and effective step we can take to curb illegal immigration. That is, the development of a counterfeit-resistant Social Security card that every American would use to prove eligibility to work in the United States. I have introduced H.R. 570 for this purpose. I urge your taking a close look at that bill, and hope that it might be of use to you.

The overwhelming passage of proposition 187 in California, which seeks to deny education and so-called nonemergency health care to illegal immigrants is an indication of how serious this issue has become in our State, and I'm sure, Mr. Chairman, in yours perhaps as well. While that initiative which I was opposed to was based on many legitimate concerns, even its most ardent proponents conceded then and still concede that it will have little real effect in slowing illegal immigration.

In order to succeed in reducing illegal immigration, you have got to take action by the Federal Government, of course, not by the States. We have got to tighten our borders, which I do believe with help from yourself, your committee, sir, and some other committees as well, and many of us, we're in the process of doing it in a much more serious way than we did in the past. Also, and you know this well, we have to remove to the greatest extent possible, the incentives that inadvertently encourage illegal immigration. The most powerful incentive of all is the opportunity to work in this country.

Mr. Chairman, as you know, when Congress enacted employer sanctions as part of the Immigration Reform and Control Act of 1986, or IRCA, we did so in recognition of the fact that because immigrants come here primarily to find jobs, it is necessary to deter

employers from hiring those who are not here legally. What we failed to do at that time, however, was to provide a sound and dependable way for employers to determine whether or not a perspective employee is here legally. Without that, it is virtually impossible. It's usually impossible to enforce the employer sanctions law.

Our failure to establish a reliable means of enforcing the law has created other problems as well, as I'm sure you well know. The law has generated widespread discrimination against U.S. citizens and legal residents, who may look or sound foreign. It has created a huge multimillion-dollar underground industry in counterfeit and fraudulent Social Security cards, green cars, voter registration cards and 26 other kinds of documents and identification that are allowed to be used to demonstrate one's work eligibility under current law. On any number of street corners in our area in southern California, one can acquire a fake Social Security card. They are just made on flimsy paper, for $25, $30, or thereabouts.

Many of these problems, perhaps all of them, would be solved by the development of a counterfeit-resistant Social Security card, which would serve as the single work authorization document for all eligible workers in the United States, both citizens and noncitizens alike, to make it easier for employers to comply with, the Federal officials to enforce, of the law against hiring illegal immigrants.

Furthermore, a process where employers only have to verify the validity of a Social Security card, not make a complex determination about immigration status, would help stop discrimination against legal immigrants and American citizens.

We recognize that some people feel that using Social Security cards for proof of work eligibility poses a threat to privacy. But using an already existing card for this purpose would pose, it seems to me, no greater threat to the privacy of citizens and legal residents than already exists. All workers must already provide a Social Security number upon taking employment. The card would simply allow an employer to verify the validity of a perspective employee's Social Security number, and thus, his or her work eligibility. Individuals would not be required, of course to carry the card at all times. I think we should specifically say that it could not be required for routine identification purposes. Only for work eligibility purposes.

Objections have also been made by some to the cost of issuing new cards to all eligible workers in the United States. We don't know how much it would cost. Some people have said maybe $800 million. Others have said $5 or $6 billion. It's not clear what the actual cost would be. But in any case, the cost of implementing such a program has to be seen in the context of the total cost of illegal immigration to the U.S. economy. Conservative estimates by the Urban Institute, most recently, place the cost to the American taxpayers at $4 billion a year. Again that's debatable.

One also could, in my opinion, should charge all applicants for such a new Social Security card, some modest fee, perhaps $5, whatever it might be. There's no reason in the world why we couldn't cover the cost without having—in a revenue neutral way.

Finally, if used in conjunction with a computerized national work eligibility registry and electronic verification system, a counterfeit-

resistant Social Security card would add significantly to the integrity of this system. Recently, as you are well aware I'm sure, the U.S. Commission on Immigration Reform, chaired by your former colleague, our former colleague, prior to our time of course, Barbara Jordan, from your State, sir, endorsed the development and implementation of a simpler more fraud-resistant system for verifying authorization to work and recommended the immediate institution, initiation of a pilot program for that purpose in States with large populations, such as ours, of illegal immigrants.

While the Commission did not choose a particular method of checking employee identification, it did recognize the Social Security number is the key to improving the verification system and stated that, "First employers will need a way to determine that the individual about to be hired is actually the person with the Social Security number."

I refer, in the remainder of this I'll leave with you if I may, Mr. Chairman, to the 1993 report by the Federal Commission on Agricultural Workers, with respect to the fact that employment of illegal immigrants in agriculture remains widespread and again states that the U.S. Government should also develop a better eligibility system. In 1990, the GAO recommended legislation to make documents more counterfeit resistant and so on.

To tell you once more, and finally, I'll rest at this point, that an awful lot of mainstream folks support such a process, including back home in California, the Sacramento Bee and the Los Angeles Times, which has editorialized, the latter paper, on a number of occasions, as has the Bee, to improve the enforcement of IRCA and to make sure it is applied in a nondiscriminatory fashion. All workers in this country should be required to have counterfeit-proof Social Security cards.

No matter how many ways we try to curb illegal immigration, we will never succeed unless we have a realistic way to stop the employment of people in the country illegally. I think that this may play, would play, should play, an important role in solving that particular problem.

[The prepared statement of Mr. Beilenson follows:]

PREPARED STATEMENT OF HON. ANTHONY C. BEILENSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I appreciate having the opportunity to testify in support of the most important and effective step we could take to curb illegal immigration: the development of a counterfeit-resistant Social Security card that every American would use to prove eligibility to work in the United States. I have introduced H.R. 570 for this purpose, and I urge your consideration of this measure.

The United States has by far the most generous legal immigration system in the world. We allow more people—nearly one million a year—to immigrate here than do all other countries combined, and more newcomers are settling here legally every year than at any other time in our history. But, while the vast majority of us take pride in this tradition, I believe we all know that our capacity to accept new immigrants is limited, and that our inability, or unwillingness, to control *illegal* immigration effectively is threatening our ability to continue to welcome *legal* immigrants.

The overwhelming passage of Proposition 187 in California, which seeks to deny education and "non-emergency" health care to illegal immigrants, is an indication of how serious this issue has become. But while that initiative was based on many legitimate concerns, even its most ardent proponents concede it will have little real effect on slowing illegal immigration. To succeed in reducing illegal immigration, we must tighten our borders and, also, remove to the greatest extent possible, the in-

centives that inadvertently encourage illegal immigration. The most powerful incentive of all is the opportunity to work in this country.

Mr. Chairman, as you know, when Congress enacted employer sanctions as part of the Immigration Reform and Control Act of 1986 (IRCA), we did so in recognition of the fact that, because immigrants come here primarily to find jobs, it is necessary to deter employers from hiring those who are not here legally. What we failed to do at that time, however, was to provide a sound and dependable way for employers to determine whether or not a prospective employee is here legally. Without that, it is virtually impossible to enforce the employer sanctions law.

Our failure to establish a reliable means of enforcing the law has created other problems as well. The law has generated widespread discrimination against U.S. citizens and legal residents who may look or sound foreign, and has created a huge, multimillion-dollar, underground industry in counterfeit and fraudulent Social Security cards, green cards, voter registration cards, and the 26 other kinds of documents that can be used to demonstrate one's work eligibility under current law.

All of these problems would be solved by the development of a counterfeit-resistant Social Security card. This card, which would serve as the single work authorization document for all eligible workers in the United States—both citizens and noncitizens alike—would make it easier for employers to comply with, and federal officials to enforce, the law against hiring illegal immigrants. Furthermore, a process where employers only have to verify the validity of a Social Security card, not make a complex determination about immigration status, would help stop discrimination against legal immigrants and American citizens.

I recognize that some people feel that using Social Security cards for proof of work eligibility poses a threat to privacy. But using an already-existing card for this purpose would pose no greater threat to the privacy of citizens and legal residents than already exists. All workers must already provide a Social Security number upon taking employment. The card would simply allow an employer to verify the validity of a prospective employee's Social Security number and, thus, his or her work eligibility. Individuals would not be required to carry a card at all times, nor could it be required for routine identification purposes.

Objections have also been made to the cost of issuing new Social Security cards to all eligible workers in the United States, which could run from $800 million to nearly $6 billion. But the cost of implementing this program must be seen in the context of the total cost of illegal immigration to the U.S. economy. Conservative estimates of the Urban Institute place the cost of illegal immigration to American taxpayers at over $4 billion annually.

Finally, if used in conjunction with a computerized national work eligibility registry and electronic verification system, a counterfeit-resistant Social Security card would add significantly to the integrity of the system. Recently, the U.S. Commission on Immigration Reform, chaired by former Rep. Barbara Jordan, endorsed the development and implementation of a simpler, more fraud-resistant system for verifying authorization to work, and recommended the immediate initiation of a pilot program for that purpose in states with large populations of illegal immigrants. While the Commission did not choose a particular method of checking employee identification, it recognized that the Social Security number is the key to improving the verification process, and stated that, "first, employers will need a way to determine that the individual about to be hired is actually the person with the Social Security number."

In a 1993 report, the Federal Commission on Agricultural Workers, which was established under IRCA to study the impact of the new law on agriculture, found that the employment of illegal immigrants in agriculture remains widespread, and states that "the U.S. Government should also develop a better employment eligibility and identification system, including a fraud-proof work authorization document for all persons legally authorized to work in the United States, so that employer sanctions can more effectively deter the employment of unauthorized workers."

And, in 1990, the GAO recommended legislation to "make the documents [used for work authorization] more counterfeit-resistant." GAO stated that if the Social Security Administration develops and begins distributing a counterfeit-resistant social security card, such a card would be "optimally effective in reducing IRCA-related discrimination [only if it is required of] all members of the workforce (citizens and aliens alike)"

The development of a counterfeit-resistant Social Security card has been endorsed by such publications as the *Sacramento Bee* and the *Los Angeles Times,* which editorialized that "to improve the enforcement of IRCA, and to make sure it is applied in a non-discriminatory fashion, all workers in this country should be required to have counterfeit-proof Social Security cards," and organizations such as the Federa-

tion for American Immigration Reform (FAIR), which concluded that, "the Social Security card is the best candidate to serve as an eligibility card."

Mr. Chairman, no matter how many other ways we attempt to curb illegal immigration, we will not succeed unless we have a realistic way to stop illegal immigrants from getting jobs in this country. I am convinced that developing a counterfeit-resistant Social Security card would be the best way to accomplish that objective, making the law both enforceable and fair, and I urge this subcommittee to act on this proposal.

Mr. SMITH. Mr. Beilenson, thank you for your testimony. Let me thank you for your good work over so many years. You and I have had many discussions about the problems of illegal immigration. I think we agree on everything that I am aware of. I certainly agree with the point you were making today about the need to reduce the widespread use of fraudulent documents and the need to have some type of a verification system to try to prevent both discrimination at the workplace and the easy access to Federal benefits.

Mr. BEILENSON. Mr. Chairman, most people don't even know that there's a law which prohibits. They don't know what employer sanctions means. That there's a law already on the books that prohibits employing people here illegally. We'll never enforce that law unless we have some way to properly——

Mr. SMITH. What do you say to individuals, and there aren't many, as you say, the idea of a verification system is supported by members who represent all parts of the political spectrum, liberals, conservatives, everyone in between.

Mr. BEILENSON. That's the mainstream.

Mr. SMITH. What do you say to people who say this is just a national identification card and we don't need it.

Mr. BEILENSON. Well again, I am someone who some people call liberal and who cares a great deal, as I am sure you do, sir, as much as I think any member around here about civil liberties and so on. It just has never bothered me at all. There is no reason, I mean, everybody has got to have a Social Security card, Social Security number.

Mr. SMITH. That's not a new card.

Mr. BEILENSON. That's right. That's why I think we should, if you are going to have any kind of an identification procedure, you should use a document which currently exists and is currently required, instead of creating something new. We ought to put people's qualms and fears to rest a little bit.

We are in a situation now where all kinds of private institutions, big companies, have an enormous amount of private information about you and me and our credit, what we buy and all that. But there's no reason to deny our Government the ability to solve this particular—one of these days, for example, speak to some of the same people who have some of these qualms.

Mr. Clinton, and I was not supportive of his plan, but of the general idea, of having some kind of health security card for everybody in this country, kept holding up that health security card. We're eventually in one form or another way or another, going to have to have that to prove that you are legally in the country before you can have health care.

Mr. SMITH. We've got those cards in our pocket already. Mr. Beilenson, I'm going to thank you for being here, thank you for your

testimony. I am going to try to squeeze in one more Member before we have to go. We have two votes.

Mr. BEILENSON. I appreciate very much you letting me speak to you this time.

Mr. SMITH. Thank you.

Mr. BEILENSON. Thank you, sir.

Mr. SMITH. Ms. Seastrand, welcome from California. We look forward to your testimony as well. You heard the bells as I did. I am afraid we are going to have to recess for about a half an hour because of the two votes. So if we can—we have about 5 more minutes.

STATEMENT OF HON. ANDREA H. SEASTRAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mrs. SEASTRAND. I'll go through this rather quickly.

Mr. SMITH. Both for your testimony and any questions.

Mrs. SEASTRAND. Thank you, Chairman Smith, for allowing me the opportunity to address this subcommittee on the issue of immigration. I am going to basically bring concerns that I have heard from my district, as well as California. I served in the State assembly for 4 years, and this issue of immigration, especially illegal immigration was of great concern to members who served in the State assembly and State senate. Public rising concerns over the costs of immigration on a local as well as a national level have intensified the search for answers to this ever-increasing problem.

As the granddaughter of Polish immigrants, I am especially aware that the United States of America is the Nation of immigrants. One need only have to look at our predominant symbols of in our country, Plymouth Rock, Ellis Island, the Statue of Liberty, to see our Nation's immigration heritage. So I am not opposed to legal immigration.

However, I do believe that we have to take a serious look at some of the abuses of our legal immigration procedure, such as the birthright citizenship. I am cosponsor of Representative Brian Bilbray's bill to deny U.S. citizenship status to those children born of illegal aliens.

According to the INS, an estimated 900,000 legal immigrants enter our country every year. This figure in addition to the number of illegal aliens entering our country, is the equivalent of adding a major city roughly the size of Dallas every 12 months. Our Nation is struggling to keep up with this giant influx of immigrants. Illegal immigration is at a crisis level. I am strongly opposed to illegal immigration. The most simple explanation of my opposition is the fact that illegal aliens are breaking the law.

Now it might seem odd that I am making that statement, but as I said, serving in the State assembly of the State of California, there are people that are advocating people breaking the law and also looking to giving them the right to vote in school board elections and such.

However, my concerns on this issue are far more encompassing. Illegal immigration is taxing our Nation's resources. At the same time we are trying to get our fiscal house in order by balancing the budget, reforming the welfare system, and making sure that the Social Security and Medicaid are available for future generations—

significant numbers of illegal aliens are draining staggering amounts of Federal funds from these programs and therefore, multiplying the problem.

As a member of the California Congressional Delegation, I can assure you that I have witnessed the problems of illegal immigration firsthand. I have been to the border several times. I might add, my constituents are very much aware of the problem.

The voters of California overwhelmingly voted for proposition 187 in an effort to take away the incentives for illegal aliens to cross the border. The U.S. Immigration and Naturalization Service estimate that California has 1.7 million illegal aliens and a thousand more cross the border nightly. Illegal immigration cost my State and local government entities billions of dollars alone last year. This is a staggering figure. Federally mandated expenditures on services for the illegal aliens could pay for 2 years of registration fees for each of the 150,000 students attending the University of California, and the 300,000 students in the California State University system, and the 1.5 million students attending California community colleges. This shocking fact clearly shows the magnitude of the problem. Unabated, illegal immigration will have an even more disturbing impact in the future.

Now I could recite to you figure after figure of the epidemic type effect of illegal immigration on California. Since my testimony is late in the afternoon, I trust that my colleagues have brought these figures to your attention, but if not, I can definitely supply them to you.

I want to emphasize that illegal immigration is not just a regional problem. It is a national problem. Although States like Texas, New York, Florida, Arizona, and my State of California, bear the brunt of illegal immigration, this dilemma faces all the taxpayers of our Nation. The Federal Government is charged with adequately controlling the borders of our country. When it fails to do so, money comes out of our State coffers, and it's more precisely taxpayers' dollars, to cover the added strain on our budgets.

I have brought up several points and concerns that affect my district, my State and our Nation. I think we have to look at this problem and not allow it to go unchecked, because it will have profound influence on generations to come.

I might add, I am a member of the bipartisan Immigration Task Force, of which Representative Elton Gallegly is the Chair. We have divided into working groups to tackle the tough problems associated with this issue. I have encouraged my constituents in my district to work toward solutions with me. I am going to be passing on recommendations along to appropriate working groups on the task force, such as the worker-guest program and so on. When we finish with the recommendations, we'll be passing on the reform proposals to the speaker for deliberation.

I hope working together, we can find solutions so that we can continue forward as the most prosperous and diverse nation in the world.

[The prepared statement of Mrs. Seastrand follows:]

PREPARED STATEMENT OF HON. ANDREA H. SEASTRAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

I want to thank Chairman Smith for allowing me the opportunity to address this subcommittee on the issue of immigration. Rising public concerns over the costs of immigration on a local, as well as national level, have intensified the search for answers to this ever increasing problem.

As the granddaughter of Polish immigrants, I am especially aware that the United States of America is a nation of immigrants. One need only look at some of the predominate symbols of our country—Plymouth Rock, Ellis Island, the Statue of Liberty—to see our nation's immigration heritage. I am not opposed to legal immigration. However, I do believe that we must take a serious look at some of the abuses of our legal immigration procedure such as birthright citizenship. I am a cosponsor of Rep. Brian Bilbray's bill to deny U.S. citizenship status to those children born of illegal aliens.

According to the INS an estimated 900,000 legal immigrants enter our country every year. This figure, in addition to the number of illegal immigrants entering our country, is the equivalent of adding a major city roughly the size of Dallas every 12 months. Our nation is struggling to keep up with this giant influx of immigrants.

Illegal immigration is at crisis levels. I am strongly opposed to illegal immigration. The most simple explanation of my opposition is the fact that illegal aliens are breaking the law. However, my concerns on this issue are far more encompassing. Illegal immigration is taxing our nation's resources. At the same time as we are trying to get our fiscal house in order by balancing the budget, reforming the welfare system and making sure that Social Security and Medicaid are available for future generations—significant numbers of illegal aliens are draining staggering amounts of federal funds from these programs and therefore multiplying the problem.

As a member of the California Congressional delegation, I can assure you that I have witnessed the problems of illegal immigration first hand. So have my constituents. The voters of California overwhelmingly voted for Proposition 187 in an effort to take away the incentives for illegal aliens to cross the border.

The United States Immigration and Naturalization Service (INS) estimates California has 1.7 million illegal aliens. Thousands more cross the border nightly.

Illegal immigration cost my state and local entities billions of dollars last year alone. This is a staggering figure. Federally mandated expenditures on services for illegal aliens could pay for two years of registration fees for each of the 150,000 students attending the University of California and the 300,000 students in the California State University system and the 1.5 million students attending California community colleges. This shocking fact clearly shows the magnitude of the problem. Unabated, illegal immigration will have an even more disturbing impact in the future.

I could recite to you figure after figure on the epidemic type effect of illegal immigration on California. Since my testimony is late in the afternoon, I trust that my Colleagues have brought these figures to your attention already. If not, I can supply them to you.

I want to emphasize that illegal immigration is not just a regional problem. It is a national problem. Although states like Texas, New York, Florida, Arizona and my state of California bear the brunt of illegal immigration, this dilemma faces all taxpayers of our nation. The federal government is charged with adequately controlling the borders of our country. When it fails to do so, money comes out of our state coffers (more precisely the taxpayers pockets), to cover the added strain on our budgets.

I have brought up several points and concerns that affect my district, my state and our nation. I know that if this debacle is allowed to continue unchecked, it will have a profound influence on generations to come.

Therefore, I am a member of the bipartisan Immigration Task Force of which Rep. Elton Gallegly is the Chair. We have divided into working groups to tackle the tough problems associated with this issue. I have encouraged constituents in my district to work toward solutions with me, and I will be passing their recommendations along to the appropriate working groups of the Task Force. When these working groups have finished their recommendations, we will pass a comprehensive package of reform proposals on to Speaker Gingrich for deliberation.

Working together, I know we can find solutions that will allow us to continue forward as the most prosperous and diverse nation in the world.

Mr. SMITH. Mrs. Seastrand, thank you for your testimony. I too look forward to receiving the recommendations of the task force

and considering them in the next few weeks. I understand the deadline for recommendations is within the next couple of weeks.

Mrs. SEASTRAND. Yes; it is.

Mr. SMITH. We need to catch a vote. Maybe we can walk back together. Thank you again for your testimony.

The subcommittee will stand in recess for about 15 or 20 minutes. Then we have at least four more Members of Congress signed up to testify. We'll probably go from about 5 to 5:30 to catch them.

[Recess.]

Mr. SMITH. I want to thank the four Members of Congress who are present. I'm sorry I am late. That was my amendment that was on the House floor. I felt a little bit obligated to stay until we made sure that there were no other votes coming up. I thank you all for your interest, for your time, and for your efforts. We are going to go in the order in which we have them. So Congressman Torres, you are up first. We look forward to your testimony.

I might say on behalf of all of us who are in the room and Members, that we are expecting another vote in about 20 minutes.

So if we can try to limit 5 minutes per person, we can probably get through before the next vote.

STATEMENT OF HON. ESTEBAN EDWARD TORRES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. TORRES. Thank you, Chairman Smith and members of the Subcommittee on Immigration and Claims. As you requested, I will try to be as brief as possible and move this along expeditiously so my other colleagues can comment. I want to thank you for the opportunity to speak about a very important subject on immigration reform, specifically on proposals to renew guest-worker programs.

The subject of immigration reform is not an easy issue to address. We as Members of Congress should not pretend to believe that we will solve all of the problems caused by the current system. As policymakers, we are obligated to strive to improve upon a flawed system, and not simply return to outdated and counterproductive solutions.

As you and the other members of the subcommittee are developing the Republican immigration bill, I must ask you to carefully reconsider any proposal to establish a new guest-worker program. I have some grave concerns about these proposals. The members of this subcommittee recently received a report from the California Rural Legal Assistance, entitled "Joblessness in the California Heartland: The Labor Surplus Case Against the Importation of Agricultural Workers." This report discusses the factual and the policy issues surrounding existing and proposed agricultural worker programs.

This new proposal is similar to the very old, and very bad idea of the infamous bracero guest-worker program that operated from 1942 to 1964. I can attest to that program. I worked in California's vineyards as a young person. I remember coming in close contact with braceros in the labor camps where they worked. We worked together in the fields picking grapes. I would often talk to them and engage them in conversation.

I found this experience to be a very sad commentary on our agricultural policies. These men lived in a huge camp, which was by and large a series of small barracks, that were very unsanitary, very cramped, and not clean. Although the bracero program called for these billets to be in livable condition, they were not.

These young people, these men of all ages that were working these fields next to me complained about loneliness, about being separated from their families, about being exploited, about being held at night. They couldn't leave the camp. These workers were exploited by their employers who brought women to the camp, or vendors or by selling them items that would often deplete their meager earnings.

I thought it was a sad commentary, as I said, to see these kinds of slave conditions in this country. I would often ask my uncle, who worked in the kitchen, where these gentlemen were served, how were the men able to sustain themselves with food. My uncle said that the camp supervisor would provide the sandwiches that they made daily. American sandwiches and water for lunch. That was it. At dinner time, it was sandwiches and water. That was it. Always of course in the lunch packet was a large chili, which the workers wanted to have.

But I thought it was a very said issue. I thought, I never want to see that kind of program come back to our country. Yet we hear talk about this very bad idea coming back to us.

I think that the most pointed difference is that this proposal does not even pretend to offer the worker protections that were included, but never really enforced under the old bracero program. There is no valid justification for a new guest-worker program. One already exists. We know that. It's known as the H–2A program. Unfortunately, the new proposal that is being circulated would eliminate most of the H–2A modest protections against mistreatment of foreign and domestic workers.

It makes absolutely no sense to intentionally import agricultural guest workers when the country, this country, already has hundreds of thousands of professional agricultural workers. One cannot justify the need to bring foreigners here when we are trying to stop the very same foreigners from coming into the country illegally. One can't justify giving jobs to people who are only brought into this country because agribusiness can get away with denying them their basic worker rights.

We have serious unemployment in the San Joaquin Valley. We have serious unemployment in Fresno and Kern Counties, to name a few. Unemployment is very high in the agriculture sector, Mr. Chairman. I think that these issues speak to the importance of giving jobs to Americans first, and making sure that agriculture protects those jobs, protects those workers, enhances their living wages, so that we don't have to depend on a guest-worker program.

Mr. Chairman, I would like to continue, but I know that my time is short. In lieu of that, I will submit the rest of my statement for the record.

[The prepared statement of Mr. Torres follows:]

PREPARED STATEMENT OF HON. ESTEBAN EDWARD TORRES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Chairman Smith and members of the Subcommittee on Immigration and Claims, I would like to thank you for the opportunity to speak before you today on the very important subject of immigration reform and specifically on proposals to renew Guest-Worker Programs.

The subject of immigration reform is not an easy issue to address. We, as members of Congress should not pretend to believe that we will solve all of the problems caused by the current system. As policy makers we are obligated to strive to improve upon a flawed system, however, and not simply to return to outdated and counter productive solutions.

As you and the other members of the subcommittee are developing the Republican Immigration Bill, I must ask you to carefully reconsider any proposal to establish new Guest-Worker Programs.

I have some grave concerns about these proposals. The members of this subcommittee recently received a report from the California Rural Legal Assistance, "Joblessness in the California Heartland: The Labor Surplus Case Against Importation of Agricultural Guestworkers." The report discusses the factual and policy issues surrounding existing and proposed agricultural guest-worker programs.

This new proposal is similar to the very old and very bad idea of the infamous Bracero guest-worker program, 1942–1964. The most pointed difference is that this proposal does not even pretend to offer the worker protections that were included, but never enforced under the old Bracero program.

There is no valid justification for a new guest-worker program; one already exists. It is known as the H–2A program. Unfortunately, the new proposal that is being circulated would eliminate most of H–2A's modest protections against mistreatment of foreign and domestic workers.

It makes absolutely no sense to intentionally import agricultural guest workers, when this country already has hundreds of thousands of professional agricultural workers. One cannot justify the need to bring foreigners here when we are trying to stop the very same foreigners from coming into this country illegally. One cannot justify giving jobs to people who are only brought into this country because Agribusiness can get away with denying them their basic worker rights.

California has crisis level unemployment in the San Joaquin Valley that grips most of our agricultural business. Unemployment rates in Fresno, Imperial and Kern Counties, to name a few, average 16.5 percent, at the height of the growing season.

Let us look at the facts about farmworkers and guest workers.

There is no shortage of domestic farmworkers in agriculture or any other low-wage industry. Thirty percent of farmworkers are not employed during the peak of harvest (June to September).

As I have already stated, underemployment in agriculture is a persistent problem. Nearly half of all farmworkers are unable to find even part-time employment. There are often two to three farmworkers available for every harvest job, resulting in 3 or 4 hour work days and low earnings.

Agribusiness was given their own immigration program less than a decade ago. The Immigration Reform and Control Act (IRCA) of 1986 included the Special Agricultural Worker (SAW) program that granted legal immigration status to 1.1 million farmworkers. Congress clearly intended for the growers to take steps, such as increasing wages and improving worker conditions, to retain these newly-legalized workers. That has not happened. Agribusiness does not deserve more special treatment under our immigration laws.

In fact, farmworker conditions have gotten worse since the 1986 immigration law amendments: wages have stagnated or declined, working conditions have deteriorated, growers increasingly rely on farm labor contractors who are notorious for their abusive practices. Agribusiness' failure to improve wages and working conditions further demonstrates that they are not currently experiencing or anticipating genuine labor shortages.

The new Guest-Worker proposal offers no protections to U.S. workers or to the new vulnerable foreign workers.

Low-wage low-skilled workers ordinarily have no ability to bargain for adequate terms and conditions of employment, but we have heard that the new proposal contains virtually no minimum employment standards or guarantees. The current, inadequate H–2A agriculture guest-worker program is better, and that's not saying much.

I believe, above all, that U.S. jobs must go to U.S. farmworkers. This nation's farmworkers deserve and must have an enforceable job preference over foreign

workers. Admission of guest workers can only exacerbate the terrible problem of poverty and joblessness in rural California since it will inevitably deprive U.S. citizens and lawful residents of gainful employment in agriculture.

Farmworkers and other immigrants working in low wage industries are the ones we find doing jobs others do not want, known as the 3 Ds—jobs that are dirty, demanding and dangerous. They put themselves at risk—working under conditions others won't accept and are paid the lowest wages for their labor. New guest-worker "Bracero" like programs are not the antidote to our immigration problems. We will not "cure" our immigration reform needs by resuscitating this misguided idea.

Mr. Chairman, I thank you and the members of the Subcommittee for the opportunity to present this statement.

Mr. SMITH. Thank you, Mr. Torres. Your statement, which I have in front of me and which is very articulate and inspiring even, will be made a part of the record. I have a quick question for you before you go, if you don't mind. That is, I don't disagree with you. In fact, I have been concerned about the same things you have been. Not only the exploitation, but the idea that maybe there are enough individuals already in this country who could do the work. For those and maybe for different reasons, I have been concerned about any additional guest-worker programs.

Do you feel that the agricultural producers in California will have adequate labor if the border security is tightened, if the United States gets better control of its borders and there are fewer individuals coming across illegally? Are there still going to be enough workers in the fields?

Mr. TORRES. I think so. But I think that one of the components of that policy would be of course for agribusiness to pay the kinds of salaries and wages that would entice Americans to want to take these jobs. These jobs are being taken, as you know, by undocumented people who will do the 3D's, dirty, dangerous, and what's the other one? Derogatory, whatever.

Mr. SMITH. Dastardly, maybe.

Mr. TORRES. Dastardly. It's the kind of job nobody else wants to take. Thank you.

Mr. SMITH. Thank you again, Mr. Torres. I appreciate your being here. Will Congressman Bob Filner, who is sitting in the second row, please come forward. And Tim Hutchinson and Ron Coleman, you are welcome to come to the table as well, if you'd like to, just to be in the batter's box. It's up to you all. Mr. Filner.

STATEMENT OF HON. BOB FILNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. FILNER. Thank you, Mr. Chairman, I appreciate you and your committee dealing very clearly with an issue that is crying out for attention.

I represent the southern most district in California, the southern half of the city of San Diego, which borders, of course, with Mexico. In fact, my district has the largest number of border crossings, both legal and illegal in the world.

Mr. SMITH. Are you at that 14-mile corridor?

Mr. FILNER. Yes I am. So I am well aware of both the positive and the negative impacts of immigration. But I promised myself and my constituents that we would deal with the negative impacts without retreating from the values that have made this the greatest country in the world.

As a San Diego City councilman, deputy mayor, and now as a Congressman, I have been a firm believer in gaining control of our borders. I have walked in the neighborhoods all along the border for years. I spend time with the Border Patrol officers on the line. I can tell you that it doesn't matter what color or nationality you are, if you had hundreds of strangers running through your neighborhood, through your backyard, you too would be frightened.

So I applaud the efforts of both the administration and this subcommittee to finally take on these complex problems surrounding illegal immigration. We have made progress.

President Clinton and Congress have brought new resources to the border, significantly increasing the number of Border Patrol agents and giving them the tools and technology to get the job done. But stopping illegal crossings only gets us so far.

We all know that to truly stem illegal immigration, we must take a more comprehensive and extensive approach. We have to get to the root of the problem, the problem that we all know exists. That is jobs. People come to the United States to find work, not to live off the public dole, as many would suggest.

Congress knows the problem. In 1986, Congress passed the Immigration Reform and Control Act, which finally made it illegal to hire undocumented workers. Recently, the U.S. Commission on Immigration Reform, chaired by Barbara Jordan, concluded that reducing the employment magnet is the linchpin of a comprehensive strategy to reducing illegal immigration.

But as you know, enforcing these employer sanctions has been quietly ignored for a variety of reasons. We have come to a point where the L.A. Times, for example, reported that in southern California, where we have the largest concentration of illegal immigrants, only 30 INS agents are available to monitor a half million employers.

To make matters worse, it has been estimated that in LA alone, one-quarter or more of the workers in key industries may be working illegally. These employers hire undocumented workers because they know immigrants need the jobs, and they know they can get away with violating basic wage and hour laws and forcing workers to work in substandard conditions.

I will soon be introducing legislation that demands action and forces this country to clamp down on employers that knowingly hire undocumented workers. The logic is clear, Mr. Chairman. If it is illegal to work, it must also be illegal to hire.

This legislation would increase the resources for the INS to aggressively enforce employer sanctions. It also increases resources for the Department of Labor to aggressively enforce labor standards and make coordinated efforts between the two agencies more effective. Enforcement would target the industries with long histories of violating both employer sanction provisions and labor standards.

Now I want to fully acknowledge that there is an inherent danger that this kind of approach could lead to discrimination against working people. Evidence shows that this has indeed been the case in the past. So my bill would also increase the resources for enforcing antidiscrimination laws and provide programs to educate employers about their responsibilities in this area.

We must get to the root, to the source, if we are to stem the flow of illegal entries. So I urge this subcommittee, as you draft legislation, to take a balanced and comprehensive approach. I challenge you to get past the scapegoating that has become so politically profitable, and consider my legislation as well as some of the other ideas I know you have heard today, as you look at this very complex and difficult issue.

I appreciate you giving us Members today the chance to testify.

Mr. SMITH. Thank you, Mr. Filner. I appreciate your testimony. Let me say that I agree with you on the need for additional resources for the INS. In fact, I think I have supported the highest increase of any Government agency budget when it comes to the INS. We're talking about 25 percent next year. I'm sure that we could agree on that.

I wanted to ask you about your district. Being so close to the border, being in that corridor where as you pointed out, more illegal aliens come across than any other place in the United States, is the crime rate in your district significantly higher as a result? Are the taxes higher as a result? Do the communities pay more in social services as a result?

Mr. FILNER. It is difficult to make that direct connection in taxes. Certainly crime that's associated with illegal immigration is very high, such as alien smuggling and the connected violence. We are also probably the car theft capital of the world. But again, that is part of the organized smuggling that occurs. The individuals involved generally are just trying to get through and out without creating too many problems.

I want to clarify that, as I said earlier, our area depends heavily on the legal crossings, in terms of our sales tax, our business and everything else. It is the illegal immigrant that is clearly an infringement on the quality of life for my constituents. Clearly, some taxes, police and other services are involved. But we think we have to work with Mexico to attack the organized part of it. Get at the smuggling. Get at the violence. Then take the magnet away that comes from these large employers.

I agree with Mr. Torres, that we have the working people, if the standards are enforced, including minimum wage laws, to work those jobs. What we have now, of course, is everybody taking advantage of those who are willing to work for very low wages.

Mr. SMITH. Thank you again for your testimony.

Mr. FILNER. My district certainly thanks you for your efforts in increasing the Border Patrol, INS, and other areas of enforcement.

Mr. SMITH. I appreciate you being here. As you know, this subcommittee is going to be introducing a bill shortly. We hope you can support it as well.

Mr. FILNER. Thank you, sir.

Mr. SMITH. Mr. Hutchinson and Mr. Coleman are our remaining two witnesses for the day. We are about a half an hour behind. I apologize again for that. Mr. Hutchinson, you are up technically first, and then Mr. Coleman.

STATEMENT OF HON. Y. TIM HUTCHINSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. HUTCHINSON. OK. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you today to address the issue of illegal immigration. I would especially like to thank you, Mr. Chairman, for you leadership on this issue and your unwavering commitment to correcting the flaws of our current system.

As we all are well aware, the need for immigration reform is long overdue. Our current immigration laws serve as a catalyst for higher taxes, a growing crime rate, reduced economic opportunities for U.S. citizens and place extraordinary burdens on our State and local governments.

We are all familiar with the extreme problems that States like California, as Bob mentioned, Texas, and Florida are experiencing in their attempts to combat illegal immigration. For example, in 1992, a Los Angeles County study found that two-thirds of all births in county hospitals were to illegal aliens. I think it was you, Mr. Chairman, who pointed out that in your home State of Texas, 42 percent of the Federal prison populations is foreign born.

These are only two of the many examples that clearly demonstrate the crisis that our States are currently facing. While these examples involving our border States, such as California and Texas, are the ones that we see on television or read about in the newspapers, they are certainly not the only States affected by out failed immigration system. I am here to tell you today that the problems associated with illegal immigration also have a significant impact on nonborder States, such as my home State of Arkansas.

My district, which covers the northwest portion of the State, has experienced rapid growth over the last several years. We enjoy a strong economy and relatively low unemployment rate. Portions of my district experiencing the highest immigration influx is under 4 percent unemployment. With this growth, there has also been a dramatic increase in the number of unskilled jobs that are available in northwest Arkansas, particularly in the poultry industry. The availability of these jobs has served as the main attraction for a massive increase in our Hispanic population, including a large number of illegal aliens. This influx of illegal aliens has overwhelmed our local governments, making it increasingly difficult for them to provide quality social services to their communities.

In the city of Rogers alone, the increased burden placed on the local school system has been backbreaking. For example, in the 1991–92 school year, the Rogers school system provided English as a second language service to approximately 80 students. It is estimated that the school system will provide these same ESL services to over 700 students in the upcoming school year, at a cost of over a quarter of a million dollars. This is a relatively small community of less than 30,000 people, with a relatively small school. It has been a burgeoning growth in the Hispanic population and in the burden that the school district experiences. It is simply an unacceptable situation to force upon our State and local governments.

While the immigration problems facing the State of Arkansas have not yet reached the crisis situation experienced by some of our border States, Arkansas still has very real needs in addressing

the problem of illegal immigration, and Congress must act expeditiously correct the current situation.

Among the provisions that I believe should be included in a comprehensive immigration reform bill are, first tougher enforcement of our immigration laws with additional resources for the INS, as I hear you strongly advocate. Second, increasing support services to State and local governments who have been overwhelmed by this problem. Third, establishing a system of deputizing local law enforcement officials to assist in the enforcement of out immigration laws.

In the city of Rogers, which I have mentioned, they have got local police. They are willing to give up an officer, a full-time officer, if they can be trained, deputized to assist the INS at no cost to the Federal Government. But would give them the authority then to help in any enforcement of INS laws.

Fourth, the creation of a system that will more easily enable employers to identify illegal aliens in their hire.

Mr. Chairman, I fell that it would be a mistake to reduce INS personnel in nonborder States, such as Arkansas, in order to address the problems of the border States. This will only create a greater incentive for illegal aliens to locate an area such as northwest Arkansas leading to more sever problems in the future.

I want to thank you, Mr. Chairman, for the opportunity to appear before you today, and to assure you of my whole-hearted support in your efforts to fix our failed immigration system.

[The prepared statement of Mr. Hutchinson follows:]

PREPARED STATEMENT OF HON. Y. TIM HUTCHINSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Thank you, Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to address the issue of illegal immigration. I would especially like to thank you, Mr. Chairman, for your leadership on this issue and your unwavering commitment to correcting the flaws of our current system.

As we all are well aware, the need for immigration reform is long overdue. Our current immigration laws serve as a catalyst for higher taxes, a growing crime rate, reduced economic opportunities for U.S. citizens and place extraordinary burdens on out state and local governments.

We are all familiar with the extreme problems that states like California, Texas and Florida are experiencing in their attempts to combat illegal immigration. For example, a 1992 Los Angeles County study found that ⅔ of all births in county hospitals were to illegal aliens. And I believe it was you, Mr. Chairman, who pointed out that in your home state of Texas 42% of the federal prison population is foreign born. These are only two of the many examples that clearly demonstrate the crisis that out states are currently facing.

And, while these examples involving our border states, such as California and Texas, are the ones we see on TV or read about in the newspapers, they are certainly not the only states affected by out failed immigration system. I am here to tell you today that the problems associated with illegal immigration also have a significant impact on nonborder states such as my home state of Arkansas.

My district, which covers the Northwest portion of the state, has experienced rapid growth over the last several years. We enjoy a strong economy and a relatively low unemployment rate. With his growth, there has also been a dramatic increase in the number of unskilled jobs that are available in Northwest Arkansas, particularly in the poultry industry. The availability of these jobs has served as the main attraction for a massive increase in our Hispanic population, including a large number of illegal aliens.

This influx of illegal aliens has overwhelmed our local governments, making it increasingly difficult for them to provide quality social services to their communities.

In the City of Rogers alone, the increased burden placed on the local school system has been backbreaking. For example, in the 1991–92 school year, the Rogers School system provided English As A Second Language (ESL) services to approxi-

mately 80 students. It is estimated that the school system will provide these same ESL services to over 700 students in the upcoming school year, at a cost of $264,000. This is simply an unacceptable situation to force upon our state and local governments.

And while the immigration problems facing the State of Arkansas have not yet reached the seriousness experienced by some of our border states, Arkansas still has very real needs in addressing the problem of illegal immigration and Congress must act expeditiously to correct the current situation.

Among the provisions that I believe should be included in a comprehensive immigration reform bill are:

1. Tougher enforcement of our immigration laws with additional resources for the INS
2. Increasing support services to state and local governments who have been overwhelmed by this problem
3. Establishing a system of deputizing local law enforcement officials to assist in the enforcement of our immigration laws
4. Creation of a system that will more easily enable employers to identify illegal aliens in their hire

Mr. Chairman, I feel that it would be mistake to reduce INS personnel in non-border states such as Arkansas in order to address the problems of the border states. This will only create a greater incentive for illegal aliens to locate in areas such as Northwest Arkansas leading to more severe problems in the future.

I would like to thank you, Mr. Chairman, for the opportunity to appear before you today, and to lend my whole hearted support to you in your efforts to fix our failed immigration system.

Mr. SMITH. Tim, thank you for your testimony. That idea of deputizing local law enforcement officials is one I have not thought about or heard of before. That is a novel way to increase enforcement, without increasing cost, which is always a consideration.

Had you been here a couple of hours ago, you would have heard me talk about northwest Arkansas, because I related the conversation that I had when I attended the luncheon in your honor a week or so ago, where you had the mayor of a small town in northwest Arkansas. I mean here's a State not thought of as a major immigration State, a small corner of the State that I think largely rural, and here was the mayor telling me the problems that he was having with immigration. So I have actually used that as an example today, of how widespread both the problems are associated with illegal immigration, and also how widespread the interest is in doing something about the immigration problem. So thank you for confirming, for those who were here then, that I just wasn't making that up.

Mr. HUTCHISON. Well, thank you. I know it will be reassuring to them to know that you took that message to heart. We look forward to working with you. Thank you.

Mr. Coleman, my colleagues from Texas in El Paso. Thank you for being here. You are an eyewitness to a lot of successes out there, with Operation Hold the Line, and so on. We look forward to hearing your testimony.

STATEMENT OF HON. RONALD D. COLEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. COLEMAN. Thank you, Mr. Chairman. Let me only sound a note of caution about moving forward with immigration legislation, because I think you know that you are going to have to take a lot of things into account. In 1986, I voted against the Immigration Reform and Control Act because I thought, and sure enough I was right, there would be selective enforcement of the legislation. There is selective enforcement.

Many employers in my district have been cited, fined, I don't know how many have gone to jail through the process. But the gentleman from northwest Arkansas tells me he has got undocumented persons working in a poultry plant. The owners of the poultry plant should be in jail. That is the law. Are we not enforcing that law equally in the United States? What about our Northern border? Do you suppose we've got too many Canadians, for example, coming across that border?

I am one of those that think that a lot of this has been driven only looking to the South. In fact, when we pass immigration legislation, it is going to affect all immigration into the United States from whatever sector. Many of the people that are undocumented in my city are not from Mexico. Many are from many other countries. In fact, I am always fairly well surprised by the number from Europe in El Paso, TX, along the United States-Mexico border. I suspect that some of that immigration occurs via a more circuitous route.

In fact, the route taken by many Asian-Americans in my community was attributed to the fact that the United States had very harsh immigration policies with respect to citizens from the other side of the Pacific, and did not let those persons in at the turn of the century. So, instead, many sought their way to this continent by way of Mexico.

I would just say to you that my concern with the legislation that is being proposed, I think, when I read it, will be the same that I had in 1986. A promise to local communities by the Federal Government. We need to be very careful about that.

SLIAG grant money never did come forward in the manner in which we were told it would. We were told by President Ronald Reagan that we would have SLIAG grants totaling $6 billion. I wanted it open-ended so we could find out how much my State and local governments were going to have available to them to deal with the necessary costs of the new immigration act in 1986. The answer to that came back from the White House was absolutely reasonable. They said, "We can't do that. We don't know how much it's going to cost." I said, "That's why as a Congressman I can't vote for your bill with only $6 billion in it, because I don't know if that is going to be enough."

Of course we have not seen anything like $6 billion. Ask any Member from California or Texas, and they will tell you that we have seen about a third of those dollars, I think, since 1986, that have flowed to units of local governments and States.

The idea, once again, of enforcement comes back to a question about whether or not we are really serious in America about dealing with the problem. We Democrats get accused all the time of throwing money at the problem. Please, throw a little money at the INS. I'm proud to hear that you have decided to do some increases with respect to them.

You know, it's not just a percentage increase that concerns me. Serving on the Intelligence Committee we know what has fallen through the INS cracks, so to speak: the whole policy in the United States with respect to the filing of I–130's, the determination that a person need not be deported until a due process hearing. We have heard all of that. Serving on that committee vis-a-vis the

problems we have had with those who came in via New York, and that were implicated in the World Trade Center bombing, indicates to a lot of us that we've got a lot to do within the institution called Immigration and Naturalization itself. Do we have the capability, with computers and the competence, with our consulates overseas, to deal with issues that are on America's mind, and will be, I submit to you, well into the next century on counterterrorism, and counternarcotics?

I would only say to you that this is not a small little problem invented by a Governor in California. This is something that is truly going to be an issue, and I think will require a real sea change in the way we debate issues here. I harken back to not just this time in Congress, but to the times before.

My first testimony before a subcommittee was to this subcommittee, in 1983. I was asked a very, I thought, cogent question by a member of that committee, who wanted to know whether I thought that people inside the United States, even if they weren't citizens, had the same rights as American citizens. Does the Constitution apply to them as it does to all American citizens? I immediately answer an emphatic "yes." We guarantee people the protections of our Constitution.

That is the reason I really wonder about whether or not we are providing equal treatment under the laws and due process to all people who are inside our borders, as well as seeing to it that we provide equal treatment to employers. I don't think my employers are getting treated the same way they are here in Washington, DC. I submit to you we could walk into the kitchens of restaurants in this town, and we might be surprised and shocked. Inspections occur in my district. I don't know how often they occur in Washington, DC. I don't know how often they occur in Seattle, WA. I don't know how often they occur in Kansas City.

All I am saying to you is that I am one of those that say, we've got to provide the necessary resources to suggest that we have a policy that means something. We should ask ourselves what immigration laws are for anyway. It's jobs, isn't it? Isn't that the very reason that we say we have a policy or we have quotas about persons able to come into the United States, and we allow those who will fill jobs that we otherwise cannot get filled.

I hope you look at the history and look at the entire scope of immigration. I hope we're not thinking we only have to do this to affect one small segment of society. I sure don't want it to affect only the Southwest border. I think the people in my part of the country have got to feel they are being treated the same as they are everywhere else in the United States, because we think the Constitution applies to all of us. Thank you, Mr. Chairman.

[The prepared statement of Mr. Coleman follows:]

PREPARED STATEMENT OF HON. RONALD D. COLEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

INTRODUCTORY REMARKS

Mr. Chairman. Members of the Committee. Thank you very much for the opportunity to testify regarding the issue of immigration. The security of our nation's borders is an issue that is particularly important to me as the Representative from El Paso, Texas, the largest city directly on the United States-Mexico border.

IMPORTANCE OF FUNDING THE INS

Today, I submit that the time has come to pay more attention to the adequate funding and staffing of the INS. This agency provides our Border Patrol Agents and the personnel that handles claims for hopeful immigrants. In the past, the agency has been inadequately staffed. In light of the current trend of increasing immigration pressures, staffing and funding inadequacies in the INS must be addressed.

THE EXAMPLE OF HOLD THE LINE

In my district, El Paso Border Patrol Chief Silvestre Reyes has won the support of many people in El Paso and throughout the United States with his innovative "Operation Hold the Line."

"Hold the Line" has shown us the benefits of the effective use of the Border Patrol. In the time that the program has been in place, there has been a significant decrease in crime on the streets of El Paso. This program has not interfered with the lives of those Mexican citizens with documentation to visit family and friends, or to shop and to work in El Paso.

More importantly, the program has been associated with a great decline in the mistreatment of documented immigrants. Because of the disciplined use of agents along the border, harassment of citizens and non-citizens has declined within the city of El Paso. I think that this occurrence illustrates the benefits that the consistent enforcement of immigration policy can have in our society.

In order to ensure the continued success of "Hold the Line," I would encourage the Justice Department to provide the increased funding to provide for the Border Patrol agents needed to maintain the policy. Adding Border Patrol agents in El Paso cannot be achieved simply by shifting agents from other parts of the border; it will require additional funding.

FUNDING TRADE-OFFS BETWEEN CITIES SHOULD BE AVOIDED

It is clear that politics have come to take on a too-prominent role in the allocation of Border Patrol agents. Whereas California saw a 49.3% increase in their agents over the past two years, Texas' share increased by only 27.6%. And El Paso was left out of the initial allocations for FY 95 entirely, in spite of the fact that we have a successful program that utilizes agents effectively. Cities along the border should not have to compete for resources, because each have their unique needs. They should not have to compensate for constant fluctuations in their numbers.

INCREASING THE NUMBER OF BORDER PATROL AGENTS MUST BE ACCOMPANIED BY AN INCREASE IN THE NUMBER OF OTHER INS OFFICIALS

Nor should the number of claims agents decline in the face of increasing Border Patrol agents. The two agencies complement one another. One agency cannot be boosted at the expense of another. The same is true of those agencies charged with fighting the drug war along our borders. Agents must be provided to areas in need.

I also think it is problematic that we focus so much on deterring migrants that we forget about the need to improve our legal channels of immigration. The backlog in the legal immigration process is disgraceful. This means that people from other countries have little incentive to subject themselves to the arduous immigration process in this country. The result is that many people choose to work in this country without documentation rather than wait and wait for their documentation.

We must address the reality that the current system provides disincentives for accessing legal channels of immigration. We need more INS judges and administrative personnel to handle the adjustments of legal status for those immigrants coming into our nation, making an effort to extend their stay, or attempting to become citizens.

PRESIDENT AND REPUBLICAN SENATE SUPPORT INCREASED FUNDING

Both the President's budget and the budget proposal put forward by the Senate Republican majority increase funding for the INS. This is not a partisan issue. The Senate Republican budget includes an increase of $2.7 billion in funding over the next seven years for the INS, the FBI, and the DEA. We all realize that if we are serious about addressing the pressures of immigration, we must improve the funding and staffing levels of the INS. I strongly urge the members of this subcommittee to authorize an increase in funding for the INS even in this time of massive cuts. The agency has been neglected too long, and the impact of this neglect is becoming obvious.

OUR LONG-TERM IMMIGRATION STRATEGY MUST FOCUS ON INTERNATIONAL ECONOMIC DEVELOPMENT AND POLITICAL STABILITY, AND WE NEED TO REFORM OUR IMMIGRATION LAWS

Of course, if we want a long-term solution to the problems caused by large waves of poor immigrants, we need to focus upon the economic viability of poor countries. The borders of free and wealthy nations are never barricaded. We need to work toward helping Mexico achieve the economic liberalization and the political openness that will ensure that Mexican citizens feel no need to look for a better life elsewhere. It is inhumane to prevent people from entering this nation if we do not use our considerable resources to create a better climate in their home nations. The oft-criticized Clinton aid package to Mexico is an excellent example of sound immigration policy. Good foreign economic policies are the best immigration policies.

It is also important that we focus our resources on promoting political stability abroad. As the cases of Haiti and Cuba make very clear, when a nation lacks political stability and openness, people will try to seek a better life elsewhere. Today we are debating a bill which will decrease our latitude to act on behalf of peoples throughout the world who suffer from political repression and violence. We cannot abandon our global role in the promotion of peace and stability if we hope to stabilize the levels of immigration to this country. As long as people live with war, hunger, or oppression in their homelands, they will continue to seek a better life elsewhere.

I am here today to advocate that we provide the INS with the money they need to do their job. But I would also like to recommend that we learn from our history, and that we steer a new course with respect to our immigration policy. In the long term, we need to address the international causes of immigration, and focus our problem-solving skills upon the international economic crises that tend to precipitate waves of immigration. We also need to re-assess our immigration laws and ensure that they are just in their treatment of the workers and their families from other countries who fill many important jobs in this nation.

CONCLUDING REMARKS

But more immediately, we need to enforce our immigration laws consistently and fairly. In order to do this, we must ensure that the necessary personnel and equipment are available for this difficult task. Adequately funding the INS is absolutely essential to fulfilling our goals of deterring undocumented migration, and encouraging those people from throughout the world who seek access to our nation to do so through existing legal channels. The authorizing and appropriating subcommittees of jurisdiction must ensure that they provide the INS with the resources needed to carry out its very difficult job.

Mr. SMITH. Mr. Coleman, I agree with that. Let me suggest that I think some of the questions you raised, which are good questions, are in fact somewhat linked. You agreed that we need to increase the budget of the INS, increase their resources. But you also said that, or maybe I understood you to suggest that their management perhaps lacks something.

Mr. COLEMAN. I think the evidence is clear. I welcome you to view any of the testimony that is a part of the record in this House, the Permanent Select Committee on Intelligence. You are welcome to do that. The FBI, by the way, is a full participant in that testimony. I think we can see efforts are being made to fix it, but a lot of times, once again, they feel that they are short of resources.

Mr. SMITH. A number of studies have been conducted and a number of outside investigations have been conducted, all of which reveal unfortunately, that there's a real decided lack of good management in the INS. In fact, I think it's accurate to say that over the last 3 years, INS has not even been able to account for all the money that they have already been given, which makes me hesitate about rewarding bad behavior. But at the same time, if we can combine the additional resources with additional restructuring of the management, perhaps we can come up with a solution.

I also think you made a good point. There should not be selective enforcement of employer sanctions. Certainly companies in your district should not be treated differently from companies in Washington, DC, as far as trying to find out who is violating current law.

All I can say to you, and I don't offer this as an explanation or justification, but I am sure that the INS would say they need more resources in order to investigate more fully more instances of where employers have hired illegal aliens.

Mr. COLEMAN. Mr. Chairman, in that regard real quick. Then they all ought to be in Chicago. Talk to our colleagues from Illinois. Let me assure you. It you talk to the schools, the administrators, to the principals of schools in that city, they will tell you.

Mr. SMITH. In fact, I think you are right. Illinois is one of the top three States as far as the destination of illegal aliens go.

I wanted to ask you another question. You mentioned that individuals in this country are due constitutional rights. I don't think anyone disagrees with that. Would you consider though a constitutional right to be the right to receive Federal benefits?

Mr. COLEMAN. I don't think there's any question, so long as we have a failed immigration policy. We have citizens, persons inside our borders. Of course they are entitled to certain things that are afforded others in this country.

You can however, in my view, legitimately within the Constitution of the United States, deny certain privileges to person inside our borders. That of course must include certain privileges that I know that you are addressing about certain kinds of programs that States have provided in some instances to immigrants.

Let me say, I think you can legitimately exclude some. On the other hand, we know we can't exclude education as one. The Supreme Court of the United States has told us as much. Perhaps statutorily, you could figure out some way to get around the case. I of course would suggest to you that would be crazy and very counterproductive, simply because—then what?

Usually, as you know, many of the children of undocumented persons are not here of their own volition. They are here because their parents brought them.

Mr. SMITH. Right, I have heard the arguments that you have made, that in that 5-to-4 Supreme Court decision regarding the responsibility of the United States to provide education to the children of illegal aliens, part of that decision was the Court rules one way, but it is up to Congress to set the law, and if they set it otherwise, there's some indication that the Court could change it.

I happen to agree with you. Even though I think the parents should shoulder more of the responsibility than they now do, I think the children are the innocents in that case. So I think benefits, education as well as emergency health care and the like, immunization, for example, are in a different category.

Mr. COLEMAN. Let me only say this, just for purposes of the record. It's not enough that we talk about just this case. I talk to my administrators, my teachers, my principals in my district on a pretty regular basis. I've got to tell you, the pressures are unknown out here. People don't have the foggiest notion, Lamar. They are down on the border. I've got 25,000 homeless kids that try to cross

that border every morning. The reason they do it is so they can get a breakfast or lunch. Let me be real candid with you and this committee. I've got some principals who will look the other way when they see a hungry kid.

But now what does that do to the taxpayer? What does that say to the system? We know that ultimately, the resolution to immigration is economic. When you have the total and complete dichotomy that we've got on the United States-Mexico border as an example in economics, we know that there are going to continue to be pressure on immigration. That is the reason that everybody doesn't talk about Canada. But I insist you do when you pass the laws.

Mr. SMITH. Well, whatever law we pass, we'll apply to all entries in all countries.

Mr. COLEMAN. As a matter of fact though, I've got to be honest, Mr. Chairman. I think that truly becomes important for any number of reasons. I just returned with Jim Kolbe who chairs the United States-Mexico Interparliamentary. I have been on that now for 12 years. The Mexican officials always raise the issue of immigration: Are we going to cooperate with them? What do our colleagues tell us? "Wait a minute. Are they going to cooperate with us?" Interesting. I think there are great opportunities for us to begin to discuss economic development along that United States-Mexico border that we have never had before. I think it's due in part to not just to NAFTA, which is I think a piece of it, but to our growing economic interdependence.

Mr. SMITH. As you pointed out, that is I think a large reason for the migration that we see. When you have one country that borders another and one country has 10 times the average per capita wage, it's awfully difficult to stop that flow of people. Frankly, if you or I lived on the other side of the border, we'd be trying to do the same thing, I think, in many instances.

Mr. COLEMAN. Sure. The very best, the very finest people that you would want in a society are the very ones that come here for those reasons. Willing to give up and risk everything. So immigrants are in fact, I believe, a very important part of the fabric of this country.

I want to say too, it's not just the wages. It's the opportunity. That has got to change there.

Mr. SMITH. Let me conclude though by agreeing with you that there's a distinction between illegal and legal immigrants. It just so happens Mexico also has the largest number of legal immigrants coming to this country, which is fine and should not be resisted. But when it comes to illegal aliens, whatever their motives, the United States, I think, has every right to secure its borders.

Mr. COLEMAN. In my earlier testimony this year, I spoke on Operation Hold the Line. What Border Patrol Chief Sylvester had asked and my district did is greatly supported in my district. He's from there. The guy is from Canutillo, TX. I mean, I know him well. He came to El Paso. He saw the problem. He said, instead of arresting people after they are on the streets of the city, why don't we stop them before they get on the streets. Now that I did, that's the law.

Mr. SMITH. It worked great; 72 percent decline.

Mr. COLEMAN. That's right. So it's showing. Now we've got some problems, let me say to you, with Border Patrol agents who thought their job would be far different than sitting in a vehicle 8 hours a day. So I've got to say to you, we are going to have to do some innovative things for our own Federal employees who are out there for us. So I just hope that we can take all of the kind of cooperation we are going to need on an issue this large. I hope this subcommittee will work diligently at working at answers.

I really don't think, I have to tell you, Mr. Chairman, that you and I know from where we sit, this is not a political issue. It shouldn't be. This is the United States. I have always said we don't consider border crossings to be Republican or Democratic. We consider them to be issues that as Americans we've got to address. All of us are going to have to get away, and I say this very sincerely, from thinking that we are the only ones that have the right answers. I made a few statements here that I feel very strongly about, but I am willing to listen to other views. I hope the other side, when I say the other side, those who think that the worst thing that could ever happen to us in immigration, will listen to the other side of that issue also. I know that you will, Mr. Chairman. I thank you for——

Mr. SMITH. We intend to do just that. Thank you again, Mr. Coleman, for your testimony.

Let me thank those few, brave and courageous individuals who have been here all day long, either voluntarily or under duress. We appreciate your attention, as well as that of the cameraman, who has been standing up for about 4 or 5 hours. So thank you all for being here.

The subcommittee is adjourned.

[Whereupon, at 5:43 p.m., the subcommittee adjourned.]

APPENDIXES

Appendix 1.—Statement of Hon. Henry Bonilla, a Representative in Congress From the State of Texas

I would like to thank my good friend and colleague Chairman Lamar Smith and the House Judiciary Committee, Subcommittee on Immigration for providing me with this opportunity to voice my concerns.

I am a strong supporter of the mission and people of the Immigration and Naturalization Service (INS) and the U.S. Border Patrol. However, the Administration has proposed a border crossing fee of $1.50 on vehicles and .75 cents for individuals. This fee would discriminate against American businesses along the U.S. border with Canada and Mexico. I am opposed to this tax.

Illegal immigration is a national problem. Measures to enforce our laws should be financed by all Americans, not only those living on the border, who face the burden of illegal immigration. American border communities already have the undue hardship of illegal aliens depleting valuable medical and social services.

The border crossing fee is yet another blow to the economic viability of American border communities already devastated by the devaluations of the Mexican peso and the Canadian dollar. The hardworking, taxpaying Americans in the border towns of Presidio, Del Rio, Eagle Pass and Laredo are facing ruin.

Already scores of American businesses have closed and thousands of hardworking Americans have joined the rolls of the unemployed because of current economic situations. To impose an additional levy would reduce commerce and violate the spirit of free trade and economic opportunities for hundreds of thousands of American working men and women.

The impact of a crossing fee on the average foreign-based shopper is considerable. We must think and take into consideration how this affects the Americans who live and work in our border communities and stop treating them like second class citizens. It is important that these Americans are not singled out by the Administration.

Taxes assessed by the INS on Canadian and Mexican shoppers will reduce purchases of American goods and services. It is imperative that the Administration abandon this proposal, but most importantly the Subcommittee on Immigration must ensure that this tax never sees the light of day. Thank you for your time and consideration.

Appendix 2.—Statement of Hon. Solomon P. Ortiz, a Representative in Congress From the State of Texas

Mr. Chairman, the Administration's Fiscal Year 1996 Budget included a tax upon those who crossed the international border. They called it a "border crossing fee," to support the increased number of Border Patrol Agents along our borders. The idea of the tax has since been modified by the Administration, with a "local option," to allow the localities to make the decision to impose the tax. Either way, this idea is badly flawed.

Last week, the House passed the 1996 Fiscal Year Budget of the United States, which did not include this onerous tax. The Administration has included part of the overall tax in the immigration reform bill they sent to the Hill recently, and is now pending before your Subcommittee. Since the House Budget Resolution does not contain a border crossing tax, I feel like this is the end of this issue. But since any such fee associated with immigration must first be approved by this authorizing Subcommittee, I wanted you to know that while I am relieved that it is not contained in the House Budget Resolution, I do not want to let any part of the process go by without raising my voice against this tax.

Opposition to this tax has been building since the Administration's Budget was released. I would like to submit for the record a letter to Chairman Kasich in February to illustrate the wide, bi-partisan opposition to this concept. My colleague and fellow Texan, Henry Bonilla, and I have led this bi-partisan opposition. Congressman Bonilla and I have been tireless in our efforts to see this tax remain only a proposal, never enacted into law.

This idea is ill advised and punishes those who legally enter our country and contribute to our economy. Those who live along the borders, to the north and to the south, are dependent on the economy of the area. The economy in my part of the country recently had the opportunity for economic hope, with the advent of NAFTA -- but the peso devaluation continues to drain the cross border trading that is the lifeblood of the local economy. A border crossing tax will heap misery upon frustration in an area already well acquainted with economic hardship. One step forward and two steps backward is not economic progress.

The border crossing tax will not stop the problem of illegal immigration; in fact, it will adversely affect the legal border crossings that occur each day. The problem of illegal immigration has long perplexed policy makers -- both in Washington, and on the borders. But let's assess for a minute who's been paying the bills for illegal immigrants in this country. For decades, border residents have supported a public school system burdened with teaching both citizens and children who are in the country illegally. During the last school year, over 50% of the students taught by the Brownsville Independent School District were undocumented. Those who paid the bill were the taxpayers in Cameron County, not the federal government.

As health care costs have spiraled in this country in areas of underserved

populations, visits to the emergency room suffice for health care. In the Valley of South Texas, we also pay for illegal immigration through our hospital bills and the costs of visiting the doctor. Border communities also foot the bill for local law enforcement agencies who must deal with the incarceration of illegals, as well as the other sundry costs associated with illegal immigration.

Mr. Chairman, the people who live along the border have been paying for the costs of dealing with illegal immigration all their lives. A border crossing tax will have the unintended consequence of making those who live on the border pay TWICE for that which is a national problem. As is always the case -- in matters of the budget, the President proposes and Congress disposes. I am pleased that the Budget Committee disposed of it, and I ask that you do the same.

Enclosure -- February 17, 1995, letter to Budget Committee Chairman John Kasich

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February 17, 1995

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ENVIRONMENT AND NATURAL RESOURCES

The Honorable John Kasich
Chairman, House Budget Committee
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Washington, DC 20515

Dear Mr. Chairman:

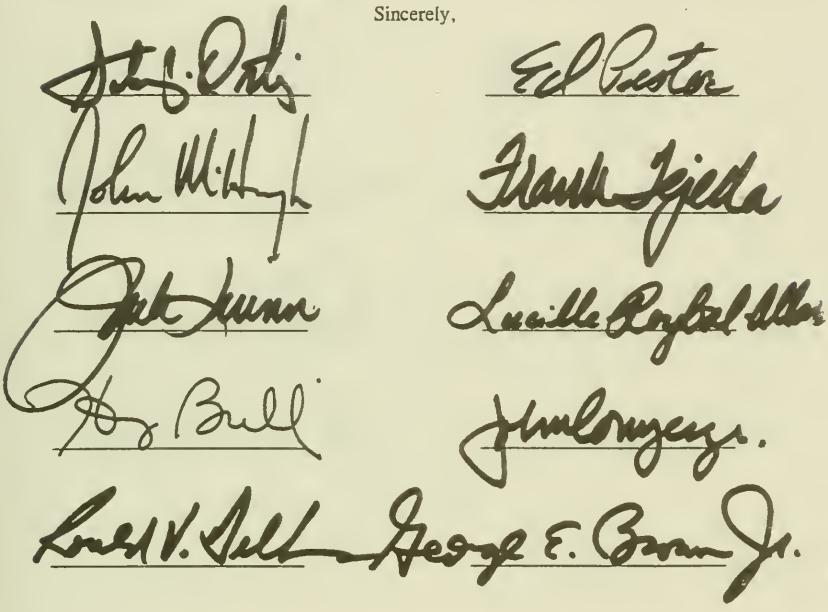
As you know, the Fiscal Year 1996 Budget of the United States which was delivered to Congress February 6, 1995, included a new federal charge to cross the international borders to the north and the south. This sort of proposal would do great damage to the border area economies in a terribly disproportionate way.

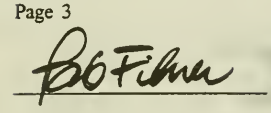
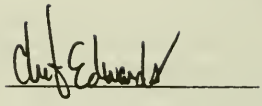
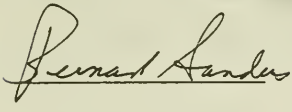
While we understand the need to raise money to supplement the cost of enforcing our borders, we do not believe that a border crossing fee is a fair way to finance the solution to this problem. A border crossing fee would serve only to penalize those who legally cross our borders, resulting only in encumbering those individuals who contribute to the economy of the United States. Additionally, it would be a cost applied regionally to alleviate the illegal immigration problem, which is national in scope. We all share a concern about the national problem of illegal immigration and know reinforced security along our border is key to reducing illegal immigration from both the northern and the southern borders. However, we strongly disagree with any proposal that unfairly taxes the residents of the border areas for a national problem over which they have no control.

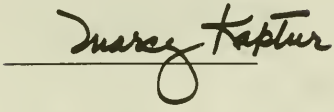
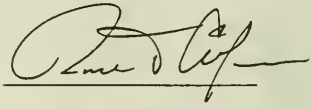
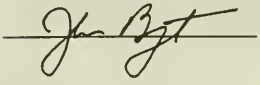
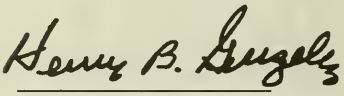
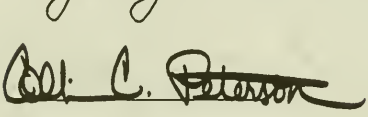
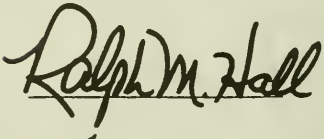
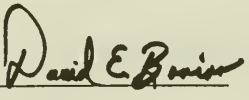
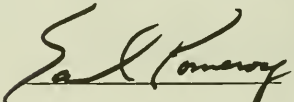
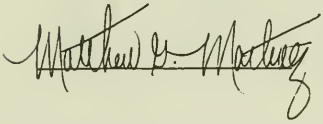
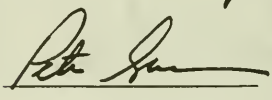
The border areas of the United States benefit from the cross border purchasing generated by our trading relationships with Mexico and Canada. As you know, this is a very delicate time in our history with our nearest neighbors, and particularly, Mexico. A border crossing fee would have a devastating effect on an already fragile situation.

Those who live along the border have already paid dearly for the problem of illegal immigration, through our local school districts, through our local health care facilities, and through our local law enforcement costs. It is terribly unfair to make them pay twice for this national problem. We believe this is an ill-advised idea, and we wanted to inform you in writing of our concerns about such a measure being included in the Fiscal Year 1996 Budget of the United States.

Sincerely,



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APPENDIX 3.—STATEMENT OF HON. MARGE ROUKEMA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

In recent years, Americans have watched their government unable to secure U.S. borders, and this has lead to an immigration problem that is out-of-control in this country. We are already at a point of crisis and the problem grows daily. The American people—the legitimate, legal, native-born or legally naturalized American people—should be in an uproar over this issue. Illegal immigration takes jobs away from Americans, incurs significant costs and raises taxes at the local, state and federal levels, crowds American schools and hospitals, and contributes to the crime that makes Americans afraid to walk their own streets. The spread of illegal immigration was certainly one of the factors in last fall's election results. And, we in Congress should take heed because we have been derelict in our responsibility on this issue.

There are many examples of the costs of illegal immigration, and I would like to briefly discuss some of them.

Despite all our attempts to be certain that illegal immigrants are excluded from employment, there are loopholes in our laws that permit U.S. companies to fire American workers and replace them with temporary foreign workers. Corporate downsizing is one thing but firing American citizens in order to replace them with foreigners willing to work for a lower wage is another. I was particularly shocked to learn that a New Jersey company, the AIG insurance company in Livingston, has participated in this practice.

For two centuries, our Constitution has guaranteed citizenship to anyone born on our soil. But illegal immigrants have found a way to abuse this right: Pregnant women cross the border into the United States as illegals, give birth to a child and then claim the right to immigrate legally based on the citizenship of that child. Some 40 percent of children born in California are now born to parents who are illegal aliens. This is an outrageous abuse not only of our Constitution and legal system, but of the innocence of childhood as well. This end-run around the Constitution was not the intent of the Founding Fathers and we must find a way to stop it. The birth of these children not only circumvents our law, but results in huge medical costs for the hospital care of the mothers and their children. These costs are not covered by insurance and ultimately drive up the cost of insurance premiums for American citizens.

Education is another issue involving the children of illegal immigrants. When illegal aliens are enrolled in public schools, costs go up but tax revenue does not—illegal parents dont pay taxes. This results in overcrowding of schools and, ultimately, higher taxes for tax-paying citizens. In some border communities, as many as 40 percent of school enrollments come from illegal aliens.

Crossing our borders illegally is not the only crime committed by some illegal aliens. Thousands turn out to be criminals coming to prey on American citizens. This not only increases fear and reduces safety, but runs up exorbitant costs when these criminals are caught, convicted and housed in U.S. prisons.

The Immigration and Naturalization Service has been hampered by incompetence, inefficiency and indifference. The inability of this agency to do its job has become legend to illegal aliens, to the point that it is not longer a serious deterrent to attempts to illegally enter our country. The INS must be improved and we must do our part by ensuring that it is adequately staffed and funded and has the legal tools it needs to do its job.

Illegal immigrants may be the lawbreakers in this equation, but U.S. employers are often their accomplices, turning a blind eye and deaf ear to the issue. Employers have not taken seriously their responsibility to determine that would-be workers are, in fact, legal U.S. citizens, and to not only reject illegals but report them to the authorities. An immigration task force headed by Barbara Jordan recently concluded that a national identification card may be the only answer here. Such an idea is supported even by some liberal groups that might be expected to oppose it.

These costs of illegal immigration add up very quickly. How can we balance the budget or make difficult cuts in worthy programs when this illegal activity is allowed to continue unchecked at taxpayer expense? As a member of the Congressional Task Force on Immigration Reform, I am eager to begin comprehensive immigration reform which the House Republican leadership has made a priority for the 104th Congress. We must focus the spotlight on this national scandal and see that it is ended, not next year, next month or next week or even tomorrow but today. There can be no more excuses, no more delays.

APPENDIX 4.—STATEMENT OF HON. BOB STUMP, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Chairman Smith, I would like to begin by thanking you for the opportunity to express my thoughts on the important issue of immigration, an issue that has a profound impact on all our lives. I am delighted that, under your leadership, the Committee has acknowledged that the Congress must not only work to end illegal immigration, but also evaluate and refine our legal immigration policies.

I am not alone when I say that the country's excessive levels of immigration are troublesome. In November 1994, a Times/Mirror Center Poll indicated that 82% of Americans think that the U.S. should restrict immigration. The concerns reflected in the poll are not baseless. For example, the average number of immigrants from 1776 to 1965 was 229,000 a year. In sharp contrast, we currently admit nearly one million immigrants per year, and there are more than four million people in line to immigrate to the United States. These high numbers have contributed to overcrowded schools, hospitals, and jails, and a declining standard of living. In addition, mass immigration hinders assimilation. There is simply no rational basis for these excessive numbers and we, as Members of Congress, have a duty to devise a comprehensive immigration policy that best suits our national interests.

The task of comprehensive immigration reform will be complex and time consuming. We probably cannot accomplish it right away. Consequently, I strongly recommend that as we examine our immigration policies and formulate reform measures, we slow immigration. To continue with the current, dysfunctional policy while working on a solution would be foolish and only aggravate an already complex problem.

With this in mind, I have sponsored legislation to place a moratorium on most forms of legal immigration. My bill, the Immigration Moratorium Act of 1995, would continue to allow the unlimited immigration of spouses and minor children of U.S. citizens, 25,000 refugees per year, and a limited number of immigrants who have been waiting in the immigration backlog. The moratorium would be lifted after five years if certain conditions relating to the impact of immigration are met. Under my bill, immigration would be reduced to a more traditional level of approximately 233,000 per year. I am proud to report that it currently has 65 cosponsors and continues to garner support. Additionally, constituent response has been very positive.

I realize that some of my colleagues may have concerns about the political implications of reducing legal immigration and are reluctant to lend their support to an idea that some may find radical or inappropriate. However, I am not suggesting that we should close the door on all immigrants, nor do I oppose immigration entirely. I am very much aware of the benefits of controlled immigration and appreciate the contributions immigrants have made and will continue to make to this country. I am merely proposing that we reduce legal immigration as we make the transition from our current policy to one that is more suited to out national interests. I am confident the reduction would be beneficial to the Nation, as it will give us an opportunity to bring our current immigration crisis under control, and allow for a rational discussion of what our future immigration goals should be.

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